M.R.O. 14—15,000—27-8-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2008 Press ~~Mis.~~

9-11

Dated 1-11-1864.

Not to be folded or roughly handled

No. 9. Read the following Proceedings of the Board of Revenue, dated 23rd September 1864, No. 6,280:—

Read again letters from the Collector of Tanjore, dated 17th May, 21st June and 20th July 1864.

Read also the following letter from W. M. CADELL, Esq., Collector of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Vellum, 20th August 1864, No. 282.

1. I have the honor to reply to the Board's Proceedings of the 23rd July and of the 8th instant, in the matter of Kondul Row, Tahsildar of Sheally, and to submit the detailed proof of his misconduct, as required in paragraph 1 of the latter Proceedings.

2. Before doing so, I deem it a duty to myself, as well as to the office to which I have been appointed by Government, to protest in the strongest and most emphatic manner, at the treatment which I have received from the Board as to the fact of Kondul Row's being or *not* being able to live in his Cusbah. The Board, in their Proceedings of the 23rd July, paragraph 2, observe that the Collector should have established the point (viz., of the Tahsildar's not being able to find accommodation in his Cusbah) by direct inquiry, &c. Now, with all deference to the Board of Revenue, I must submit, that, if after a residence of upwards of twelve years in this District, and after being its head for nearly five, I am unable to offer a correct or trustworthy opinion on a question of this nature, and if I am to be called on, on every occasion, judicially to prove every thing on which I may have to report as a matter of fact, it is simply impossible that the public service could be carried out. If I am fit to be placed at the head of a District, I must maintain that the facts, which I from time to time have, in the discharge of my duty, to lay before the Board must be accepted as such and not ignored or questioned.

3. The Board are aware that Sheally has been the Cusbah of the Talook ever since the Province was ceded to us, and it is a fact beyond all question that, for upwards of sixty years, every Tahsildar has resided within Sheally or its suburb, Tadalan Kovil, and when it is remembered that these towns comprise a population of upwards of 5,000 people, and further when it is considered that Kondul Row himself is a native of the former place, I must again submit that his denial that he can find accommodation there, is a positive falsehood, and that on this ground only I am perfectly justified in recommending that he be removed from office. If a subordinate is thus openly to be permitted, not only to set the orders of his superior at defiance, but to support that disobedience by positive and wilful falsehood, it is beyond question that all subordination is at an end, and I cannot be held responsible for the administration of the District.

Vide his deposition before the Session Court at Tranquebar submitted with my letter, dated 17th May 1864, No. 162.

4. With regard to the charge brought by me against Kondul Row, of his unfitness to hold the office of Sub-Magistrate, I would beg to draw the especial attention of the Board to the correspondence noted in the margin. From this the Board will perceive that Kondul Row then very narrowly escaped dismissal from the public service for wantonly, and in defiance of the orders of the Joint Magistrate, committing a case which he knew to be false, and to have been trumped up by himself as head of Police, and it cannot but be admitted he was most leniently dealt with. After his restoration and in the year 1855, Kondul Row was again reduced by Mr. Forbes to the lowest grade of Tahsildar, viz., Rupees 85, and in which grade he remained almost uninterruptedly, till the introduction of the new establishments, and when his services were dispensed with.

Extd. Proceedings Session Court, 7th April 1851.
From Joint Magistrate, 25th April 1851.
To Session Court, 28th April 1851.
Proceedings Session Court, 10th May 1851.
From Joint Magistrate, 14th May 1851.
To Session Court, 16th May 1851.
Proceedings Session Court, 19th May 1851.
To Board, 16th June.
From Board, 3rd July.
To Board, 12th July 1851.
From Board, 31st July 1851.

5. Subsequently and as has been shown, he entered the Police Force in the Trichinopoly District, and which situation he was required to resign, *vide* Mr. Cox's letter of the 30th July

last. I observe I have stated in my letter of the 17th May, that it was on account of his insolence and insubordination that he was reduced and then resigned, and I may state that my authority for this statement was the then Officiating Superintendent of Police, Lieutenant Campbell. Lieutenant Campbell has since left the District, but if he were here I doubt not he would confirm my statement. From the proceedings, however, which are now submitted, the Board will see that the leading features of Kondul Row's character have not been mis-stated, and if the Board have still any reason to question their correctness, I would beg to refer them to Mr. Robinson, the Inspector General of Police. But setting this aside, it will be seen that Kondul Row's ceasing to have connection with the Police was by no means voluntary on his part.

6. With regard to the conduct of Kondul Row, subsequent to his re-employment on the express orders of the Board, I beg to forward copies of the complaints made against him by the gentlemen under whom he has immediately served. I would beg to direct the especial attention of the Board to the fact, that in the two instances of abuse of authority now brought to notice by Mr. Plumer and Mr. Hope, the individual referred to is the same as was the victim of Kondul Row's malice in 1851, and for which he then very narrowly escaped being dismissed, and I cannot but think that if the Board will calmly and deliberately take the whole circumstances of Kondul Row's career into consideration, they can come to no other conclusion but that his retention in the public service, and especially in the position of a Sub-Magistrate, is no longer desirable.

7. Perhaps, and considering the length of Kondul Row's services, the Board may be disposed to allow him to retire on the pension to which he may be entitled under the rules, but I must, with all deference, submit that after what has been shown to have been the character and conduct of this officer, for years past, it would be a mockery of justice to retain him in the position of a Sub-Magistrate, and this, the more especially with the powers which these officers are now permitted to exercise.

8. I am very unwilling again to appear in the position of questioning a decision of the Board, and I can assure them that I am most reluctant to request them to trouble Government on the subject; but placed as I am, I do not see how this can be avoided, and if the Board should still insist on keeping Kondul Row in his position as Sub-Magistrate, notwithstanding all that has been brought to their notice, and if that officer is to be permitted to do as he likes, to live where he likes, and insolently and knowingly to defy and set at nought my express orders, I have really no alternative but to request that this correspondence may be submitted for the orders of Government.

ENCLOSURE No. 1.

ABSTRACT.—Copy of a letter from the Session Judge of Tranquebar, dated 3rd May 1864, No. 310.

ENCLOSURE 1 in No. 1.

ABSTRACT.—Deposition from Kondul Row.

ENCLOSURE 2 in No. 1.

ABSTRACT.—Deposition from Rama Row.

ENCLOSURE 3 in No. 1.

ABSTRACT.—Deposition from Saminatha Chetty.

ENCLOSURE No. 2.

ABSTRACT.—Translation of an order to Kondul Row, dated 2nd April 1864, No. 97.

ENCLOSURE No. 3.

ABSTRACT.—Translation of an Urzee from Kondul Row, Tahsildar of the Sheally Talook, dated 3rd May 1864, No. 126.

ENCLOSURE No. 1.

ABSTRACT.—Copy of an Extract from the Proceedings of the Sessions Court in the Zillah of Combaconum, under date the 7th April 1851.

ENCLOSURE No. 2.

ABSTRACT.—Copy of a Memorandum on Sessions Court's Extract of the 7th April 1851, dated 25th April 1851.

ENCLOSURE No. 3.

ABSTRACT.—Copy of a letter to the Session Judge of Combaconum from the Magistrate, dated 28th April 1851, No. 61.

ENCLOSURE No. 4.

ABSTRACT.—Copy of an Extract from the Proceedings of the Sessions Court in the Zillah of Combaconum, dated 10th May 1851.

ENCLOSURE No. 5.

ABSTRACT.—Copy of a Memorandum of the Joint Magistrate on the Session Court's Extract, dated 14th May 1851.

ENCLOSURE No. 6.

ABSTRACT.—Copy of a letter to the Session Judge of Combaconum, dated 16th May 1851.

ENCLOSURE No. 7.

ABSTRACT.—Copy of an Extract from the Proceedings of the Sessions Court in the Zillah of Combaconum, under date the 19th May 1851.

ENCLOSURE No. 8.

ABSTRACT.—Copy of a letter to Board, dated 16th June 1851, No. 93.

ENCLOSURE No. 9.

ABSTRACT.—Copy of a letter from the Secretary to the Board of Revenue, to the Collector, dated 3rd July 1851.

ENCLOSURE No. 10.

ABSTRACT.—Copy of a letter to Board, dated 12th July 1851, No. 110.

ENCLOSURE No. 11.

ABSTRACT.—Copy of an Extract from the Proceedings of the Board of Revenue, dated 31st July 1851.

ENCLOSURE No. 12.

ABSTRACT.—Copy of a letter from the Assistant Collector in charge of the Head Assistant Collector's Office, Tanjore, dated 12th July 1864.

ENCLOSURE No. 13.

ABSTRACT.—Copy of a letter from the Acting Sub-Collector of Tanjore to the Collector, dated 30th July 1864, No. 146.

ENCLOSURE No. 14.

ABSTRACT.—Copy of a letter from the Acting Superintendent of Police, Trichinopoly, dated 30th July 1864.

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1. Ordered that the above papers be submitted to Government with the following remarks.

Mr. Cadell, in his letter dated 17th May 1864, No. 162, recommended that Kondul Row, Tahsildar of Sheally, should be dismissed from office for misconduct and unfitness as a Sub-Magistrate.

2. The Board, in Proceedings dated 17th June 1864, No. 3,610, authorized the Collector to reduce Kondul Row to the lowest grade of Tahsildars, as a punishment for having habitually

violated certain standing rules by neglecting to keep the keys of his treasury in his own custody, and by neglecting to examine the Talook Treasury at the required periods; but with regard to the other subjects of complaint against him, the Board expressed an opinion in general terms, that sufficient cause had not been shown in the papers laid before them by Mr. Cadell, to warrant Kondul Row's dismissal from the public service.

3. Mr. Cadell in his letter, dated 21st June 1864, No. 213, objected to the Board's decision stating that the Board had apparently lost sight altogether of the main facts which formed the subject of his first report, as,

1*st.*—Kondul Row's direct disobedience of the Collector's order in refusing to live at his Kusbah, and his wilful and positive falsehood in stating that he could not find accommodation there.

2*nd.*—His utter and entire ignorance of both the Penal and Criminal Procedure Codes, and the constant and repeated complaints that are made of his tyranny and injustice.

3*rd.*—His hostile attitude towards the Police, as frequently brought to notice by Lieutenants Campbell and Hudleston.

4*th.*—His antecedents and previous bad character both as a Tahsildar and as an Officer in the new Police force.

4. Mr. Cadell also stated a fresh fact against Kondul Row; first, that he had been guilty of perjury before the Sessions Court at Tranquebar; secondly, that he had been "recommended "by a former Session Judge, Mr. Scott, to be dismissed, and that after a somewhat lengthy "correspondence he was suspended for six months."

5. He, therefore, submitted that "the retention of an officer, such as I have shown Kondul "Row to be, unprincipled and unscrupulous, insolent and insubordinate to his superiors, and "tyrannical and oppressive to his inferiors, is not only subversive of all discipline, and degrading "to the office he holds, but also a positive injustice to the people of the Talook over which he is "placed."

6. The Board, in Proceedings dated 23rd July 1864, No. 4,667, explained in regard to the first point, that the charge against Kondul Row as to his having told "a wilful and positive falsehood" could not be sustained on the evidence laid before the Board; in regard to the second, third, and fourth points, that the Collector had failed to lay before the Board any evidence in support of his complaints; and in regard to the new subject of complaint, viz., that the Tahsildar had wilfully given false evidence before the Sessions Court at Tranquebar, that it rested with the Sessions Judge to deal with a charge of that kind, and not the Board.

7. Previous to the receipt of these Proceedings, and previous to the receipt of the Board's decision on the first report, Mr. Cadell again addressed the Board under date the 20th July 1864, No. 249. In this letter he stated that since the despatch of his first report, Mr. Hope had "again brought to notice that Kondul Row took no notice whatever, for fourteen months, of an "important order sent to him by Mr. Plumer, the Acting Sub-Collector, by which neglect there "had been* considerable loss of public revenue." He also informed the Board that it was his intention to relieve Kondul Row from the office of Tahsildar from the 1st proximo; and requested that, "if the Board had any doubt of the propriety of removing him," the matter might be submitted for the consideration and orders of Government.

* "May have" are Mr. Hope's words—vide supra paragraph 12.

8. In reply the Board (in Proceedings dated 8th August 1861, No. 5,071) reminded Mr. Cadell that he was not competent to dismiss a Tahsildar, but they authorized him to postpone the Board's orders, directing him to transfer Kondul Row to an inferior grade, if he could yet adduce proof of such misconduct on the part of Kondul Row as would warrant his dismissal.

9. In the letter now recorded, Mr. Cadell brings forward certain evidence in support of his charges against the Tahsildar. In paragraph 5 he refers to a charge brought against Kondul Row so far back as 1851, and submits copies of the papers connected therewith. In this case

the Tahsildar was accused of "most oppressive and illegal conduct" in his Magisterial capacity, and was, under the authority of the Board of Revenue, suspended for six months.

10. Paragraph 5 refers to the circumstances under which Kondul Row resigned his office in the Police Department in 1861. According to a letter addressed to Mr. Cadell on this subject by Mr. Cox, Acting Superintendent of Police, dated 30th July 1864, Kondul Row was found to be "careless in his work, and useless as a Police Inspector," and was "required to resign the Police not having given satisfaction."

11. In paragraph 6, Mr. Cadell refers to the conduct of Kondul Row subsequent to his re-employment in the Revenue Department as Tahsildar of Sheally in 1862. He submits on this subject two reports, the one from Mr. Hope, his Assistant, dated 12th July 1864; and the other from Mr. Plumer, his Acting Sub-Collector, dated 30th idem.

12. Mr. Hope brings to Mr. Cadell's notice "the very negligent and remiss manner in "which the duties of his office are performed by the Tahsildar of Sheally." He specifies two instances, viz., one in which it appears that Kondul Row delayed for fourteen months to promulgate an order on the Revenue Department prescribing the rates at which second crop land was to be charged, in consequence of which neglect the Government "may have" sustained considerable loss. The Tahsildar's defence in this case was *apparently* that he had omitted for fourteen months to give "written orders on the subject referred to, but had given verbal orders."

13. In the second case, the Tahsildar was charged by a person named Kuddivasul Ramayen with having issued a warrant for his apprehension as a Revenue defaulter, the day after having illegally attached his property, and that "the warrant contained instructions to the Peon to "prevent his leaving Sheally, and in the event of his refusal to pay the demand, to quarrel with "and bring a Magisterial complaint against him." In this case Mr. Hope expressed an opinion that the complaint was "on the whole" well founded, remarking that "however bad the "Petitioner's general character may be, the Tahsildar had no right to attach his property on "account of arrears until the 1st of the month, much less at any time to issue such a warrant as "that referred to." What answer or defence was made by the Tahsildar to these complaints is not stated.

14. Mr. Hope concludes by stating that repeated instances have occurred in which it has been necessary for him "to check the Tahsildar for his neglect (in some case even disobedience) "of orders, and for the vexatious delay which he causes to parties in cases pending before him." He therefore requests Mr. Cadell will "warn" the Tahsildar, "with a view to the better performance of his duties in future."

15. The letter from Mr. Plumer is in reply to a letter from Mr. Cadell, calling, as it would seem, on Mr. Plumer, to give his opinion in regard to Kondul Row's character as a Tahsildar. Mr. Plumer reports that he found Kondul Row, while under his orders, was, as a Revenue Officer, active and energetic, but that his Magisterial work "was very badly and carelessly done," so that at one time he was on the point of reporting Kondul Row to the higher authorities as utterly unfit to discharge the duties of a Sub-Magistrate.

16. Mr Plumer further reports that Kondul Row laid himself open to grave suspicion in his conduct as regards Kuddivasul Ramayen, by his having released this person when brought before him in custody, and allowed him to go to Tranquebar on the plea that he was sick, though for a year and a half Kuddivasul Ramayen had been residing in Karecul "to prevent the execu-"tion of a sentence of imprisonment passed upon him by Mr. Morris." Mr. Plumer brought Kondul Row's conduct on this occasion to the notice of his successor, and had he remained in charge of Sheally, he "should have made a very strict investigation into the circumstances "attending Ramayen's release."

17. Mr. Plumer adds that he had reason to believe that Kondul Row's attendance at Cutcherry was extremely irregular, and that complaints were made to him to this effect by Lieutenant Warlow.

18. To the best of Mr. Plumer's recollection of Sheally, he "should say that there could "be no difficulty in Kondul Row's getting ample accommodation there." He had indeed been

informed that in Thadalancovil there was a large house which was inhabited by all Kondul Row's immediate predecessors.

19. Mr. Plumer's statement on this last point relates to Mr. Cadell's complaint that Kondul Row had, on a wilfully false plea, disobeyed Mr. Cadell's orders requiring him to reside in the town of Sheally. In his reply* to Mr. Cadell's order allowing Kondul Row a month to remove to Sheally from Tittay (a village two miles from Sheally), Kondul Row wrote that he had made inquiry, that he understands no vacant house could be had for the present, and that in the event of his removing he should have to build. He also begged to bring to the Collector's notice "the fact that the officers of the Court, as well as "of the Talook Cutcherry, have been compelled to fix their abode in the outskirts of Sheally "for want of houses in the town."

* Dated 3rd May.

20. Mr. Cadell's remarks on this answer are as follows:—

"This I am in a position to state is positively and deliberately false. Sheally, with its "suburb Tadalancovil, is a place of considerable size; it contains several large Chuttrums, and "a large number of very respectable dwellings; to say therefore that accommodation cannot be "had there shows not only that the Tahsildar refuses to obey my orders, but that he evinces an "utter disregard of truth altogether unbecoming an officer in his position."

21. In his last letter Mr. Cadell deems it "a duty" to himself, as well as to the office to which he has been appointed by Government, "to protest in the strongest and most emphatic "manner at the treatment" which he has received from the Board "as to the fact of Kondul Row "being or not being able to live in his Kusbah." He submits that the Board ought to have received this fact as stated by him without questioning; and 2ndly, that all the facts which from time to time he may have, in the discharge of his duty, to lay before the Board, "must be "accepted and not ignored or questioned."

22. Mr. Cadell further urges with regard to the same case, that "for upwards of sixty "years every Tahsildar has resided within Sheally or its suburb, Tadalancovil," "that these "towns comprise a population of upwards of five thousand people," and that Kondul Row is himself a native of Sheally. He therefore again submits that Kondul Row has been guilty of a positive falsehood, and that on this ground alone he is justified in recommending that Kondul Row should be removed from office. If Kondul Row should not be removed, Mr. Cadell holds "that all subordination is at an end," and that he cannot "be held responsible for the adminis-"tration of the District."

23. In conclusion he requests that if Kondul Row is not to be removed, but "is to be "permitted to do as he likes, to live where he likes, and insolently and knowingly to defy and "set at nought" Mr. Cadell's express orders, the Board will submit the correspondence for the orders of Government.

24. Mr. Cadell misunderstands the Board if he thinks that they question the truth of any fact to which he can speak of his own personal knowledge. He appears to confound questions of fact with questions of opinion. He also wrongly describes (in paragraph 2) the nature of the Board's instructions. They informed him that he ought to prove, by direct evidence, that houses were available in Sheally, if he wished to sustain his charge against the Tahsildar. They did not doubt the truth of the fact alleged by Mr. Cadell, viz., that Sheally is a large place containing many respectable dwellings, and a population (with its suburb) of 5,000 souls, but they dissented from him in judgment that this single fact was sufficient to prove that the statement made by Kondul Row, to the effect that he had not been able to find a vacant house in the town, was wilfully false. Mr. Cadell charges the Tahsildar with wilful falsehood, and requests the Board will permit him to punish the Tahsildar for this grave misconduct by dismissing him from the public service. It is the Board's duty to determine whether this charge has been proved or not. Their functions are not in such cases confined, as Mr. Cadell seems to think, to a mere executive process, as dismissing a Tahsildar simply at a Collector's request, or on the Collector's

own opinion that the evidence which he lays before the Board has proved, or must be adequate to prove, the charge preferred.

25. The Board must also remark, with regard to this part of the case, that the Collector in his order on the Tahsildar in his answer name Sheally only, not Sheally and its suburb Thadalancovil. Mr. Cadell in his last letter (paragraph 3) refers to these two places in conjunction, as though the Tahsildar had been required to reside either in the one place or the other, a view of the case which, judging from the order and the Tahsildar's answer, is not correct. According to Mr. Plumer's report all Kondul Row's "immediate predecessors lived in Thadalancovil, not Sheally."

26. With regard to the other charges referred to above in paragraph 3, the Board continue of opinion that Mr. Cadell has not shown that Kondul Row's conduct, since his re-employment, has been such as to call for his dismissal.

27. Mr. Hope (a young Assistant of very limited experience*) specifies two cases in which the Tahsildar was apparently deserving of serious blame, but in both cases Mr. Hope's report, as shown above, is imperfect.

* Appointed an Assistant in April 1863.

28. The same remark is applicable to the case to which Mr. Plumer refers as one of grave suspicion against the Tahsildar. The case in question ought to have been investigated, but whether any investigation was ever made, the Board are not informed. The complaint against the Tahsildar in that case was that he improperly released from custody the same person who appears as complainant in the two cases referred to above, the one in paragraph 9, and the other in paragraph 13. Mr. Cadell (in paragraph 6) has referred to all three cases collectively as though each equally served as evidence to prove that the Tahsildar was habitually tyrannical and oppressive.

29. With regard to the complaint that the Tahsildar had a bad character in the Police (for insolence and insubordination), the Board are of opinion that Mr. Cox's official report should be taken to describe the circumstances under which the Tahsildar resigned the Office of Police Inspector.

30. With regard to the Tahsildar's "antecedents," and alleged bad character as Tahsildar before he was re-employed, the Board are not informed on what ground he was reduced on two occasions† to a lower Tahsildarship. The only case brought to their knowledge, as a case of misconduct previous to 1860, is the one which occurred so far back as 1851.

† Vide Collector's letter, dated 17th May 1864, No. 162, paragraph 5.

31. Kondul Row was placed out of employ in 1860, when the establishments were re-organized. Mr. Cadell states that Kondul Row was re-employed on the express orders of the Board. The facts are as follows: the Board ordered that Kondul Row should be re-employed on the report of Mr. Morris, Acting Collector of Tanjore, dated the 6th June 1862, No. 196, stating that no reason existed why Kondul Row should not be re-employed, except that he had resigned an appointment in the Police "as he disliked the hard work." Mr. Morris therefore proposed that Kondul Row should be made to wait awhile. The Board were of opinion that his having resigned an office in the Police ought not to nullify his claim to be re-employed under the general rule that persons who had been displaced at the reduction were to have a preferential claim to be re-employed. They therefore informed Mr. Morris that Kondul Row ought to have the vacant appointment in preference to a person who was nominated by Mr. Morris, but who had not the same special title to the appointment. He was then appointed to Sheally.

32. The Board observe that the Talook of Sheally belonged to the Sub-division up to November 1863, and as such was under the charge of Mr. Plumer who, when referred to, speaks favorably of Kondul Row as a Revenue officer, and with regard to his work as a Sub-Magistrate, was, it would seem, on further consideration induced to abandon the intention he had at one time formed of reporting him as wholly unfit to discharge the duties of a Sub-Magistrate. Mr. Hope could not have been in charge of Sheally more than a very few months.

33. The Board do not of course question the fact that Kondul Row has exhibited a certain inefficiency in administering the new Codes, but considering that he has served the Government, as stated by Mr. Cadell, for upwards of thirty years, and has held the office of Tahsildar for upwards of seventeen years, they do not think it just that he should be ignominously dismissed the service on that ground. They are therefore of opinion that their order, directing that the Tahsildar be reduced to a lower grade, should stand.

With regard to paragraph 7 of Mr. Cadell's last letter remarking that the Board may be disposed to allow Kondul Row to retire on a pension, the Board observe that Mr. Cadell must be guided by the pension rules. The Board cannot give any instructions on the point.

34. With these remarks the Board submit the correspondence for the orders of Government. They are the more disposed to comply with Mr. Cadell's request on this point, as they think it advisable that Government should express an opinion on the question raised by Mr. Cadell in the 2nd paragraph of his letter. Mr. Cadell believes that he has personal ground of complaint against the Board for having required him to prove his charges against the Tahsildar, viz., that Kondul Row had been guilty of wilful falsehood, "was unprincipled and unscrupulous, "insolent, and insubordinate to his superiors, and tyrannical and oppressive to his inferiors."

35. The Board do not perfectly understand Mr. Cadell's meaning when he protests against having "judicially to prove" every matter of fact, but of this they have no doubt that when, as in this instance, a Collector prefers against one of his principal native officers a charge involving heavy penal consequences, he ought to show that his alleged facts, supposing them to be true, are of a kind that in equity and reason will support the charge. This is his duty as the person who lays the charge, though the Board of Revenue, when the conduct of a Tahsildar is in question, have to decide whether the charge has been proved or not. The Board cannot sanction a Tahsildar's degradation or other punishment, if they are not satisfied that the charge against him is just, but, in respect to Tahsildars who are charged with incapacity or unfitness in their Magisterial capacity, the Board do not think it necessary to call for other evidence than the decision in which the Courts or the Magistracy have had occasion to notice specific instances of neglect or other faults. If the Tahsildar is accused of *general* inefficiency or unfitness as a Sub-Magistrate, the cases laid before the Board ought to be in sufficient number to prove the existence of such general inefficiency. All this was explained to Mr. Cadell in the Board's Proceedings, dated 23rd July 1864, No. 4,667.

36. The Board also think it proper to make some remarks on Mr. Cadell's vehement protestations that he cannot be responsible for the administration of his District if Kondul Row should not be removed. They observe that this denouncing the Tahsildar, as though his charges against him were already substantiated, is a mere begging of the question at issue, for if, on a fair consideration of the evidence in support of these charges, it appears that Kondul Row has not deserved the character ascribed to him, Mr. Cadell has no real reason to anticipate any evil consequences from Kondul Row not being dismissed. Mr. Cadell in thus pre-judging the case, has really taken upon himself the duty imposed on the Board. And if on this occasion he should find his hands weakened, as he anticipates, in the management of his District, he will in fact be placed in that predicament by his having held up the Tahsildar to the strongest obloquy and reproach, while it was still undecided by the proper authority whether that officer deserved to be thus stigmatized or not.

No. 10. Proceedings of the Board of Revenue, dated 11th October 1864.

From W. M. CADELL, Esq., Collector of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Vallam, 1st October 1864, No. 325.

SIR,

1. I have had the honor of receiving Extract from the Proceedings of the Board of Revenue, under date the 23rd ultimo, and with reference to the remarks made by the Board in paragraphs 23 and 25, would take leave to observe that Tádálankovil is a suburb of Sheally only in name, and that in point of fact, it forms one of the main streets, and as such an integral part of the

town of Sheally being within less than half a mile of the Talook Cutcherry. Tádálankovil is indeed never spoken of apart from Sheally, while Tittai, the village where Kondul Row insists on residing in defiance of my orders, is two miles away and on the Tranquebar road.

2. I would also remind the Board that Sheally is the frontier town of the District on the north; that the high road to Combaconum and Mayaveram as well as that to Tranquebar and the south passes through it; that there is no town Sub-Magistrate at Sheally, and that therefore it is of importance, on public grounds, that the Talook Sub-Magistrate should reside there instead of at a small isolated village on the coast road.

3. With reference to the remarks of the Board in paragraph 24, I really am unable to comprehend what the Board mean; the question as to whether or not the Tahsildar can find accommodation in Sheally appears to me simply a matter of fact and not one of opinion at all, and it does not appear to me that it is any part of a Collector's duty to ascertain whether a Native officer can or cannot find accommodation in his own native town, and when he himself as also all his predecessors have had no difficulty in finding accommodation for the past sixty-five years.

4. I beg, in conclusion, to request that a copy of this communication may be forwarded to Government.

Ordered to be submitted to Government in continuation of the Board's Proceedi ngs quoted by the Collector.

No. 11. ORDER THEREON, 1st November 1864, No. 2,008.

Miscellaneous.

1. The correspondence submitted with these Proceedings relates to Kondul Row, at present holding the appointment of Tahsildar in the Shealli Talook, and the orders of Government are required with reference to a difference of opinion between the Collector of Tanjore and the Board of Revenue as to the retention by this officer of his position in the service.

2. It appears that Mr. Cadell had occasion to find fault with this Tahsildar's mode of conducting his Treasury business, certain laxity and irregularities having come to light in a case in which some Government monies had been abstracted from a remittance received at the Talook Cutcherry, and that further investigation brought to notice the fact that the Tahsildar was not living at his head quarter station; upon this he was directed to find accommodation there within a month, but he evaded the order on the plea that no house was available. Regarding this excuse as simply a falsehood the Collector adverting to Kondul Row's antecedents; to his recent misconduct; to his incapacity as a Magistrate, and to his annoying behaviour in regard to the Police, recommended that he should be removed from his appointment.

3. The Board, however, did not agree in the propriety of this extreme measure, for which they thought sufficient cause had not been shown; but as the standing Rules relating to his Treasury duties had been habitually disregarded by the Tahsildar, they authorized his degradation to a Talook of the lowest grade.

4. Thereupon ensued the correspondence now before Government. The Collector pressed his view of the case, and adduced further instances of Kondul Row's unfitness for the post of Tahsildar. The Board, on the other hand, adhered to their opinion, declining to accept as facts what Mr. Cadell submitted to them as such, unless regularly proved, and observing that they could not consent to the summary dismissal of a Tahsildar of long service without conclusive evidence of his unfitness to hold the post which he had filled for many years.

5. The papers have been submitted to Government at the Collector's request, and because the Board think it desirable that an opinion should be expressed upon the question raised by Mr. Cadell whether, when they asked for proof in respect to the charges of wilful falsehood, insolence, insubordination, tyranny and oppression brought by him against the Tahsildar, he was right in making this a personal ground of complaint on the score that his word was doubted.

6. The point especially alluded to in this remark is Mr. Cadell's protestation against being called upon judicially to prove the existence of house accommodation for the Tahsildar in that officer's own Kasbah. On this Government are constrained to remark that when the Collector, who has been employed in the District for many years, pointed out that Shealli is a populous town and the Kasbah of the Talook, that previous Tahsildars had lived there, and that Kondul Row is himself a native of the place, the Board should have been satisfied to accept Mr. Cadell's statement and not have called upon him to adduce proof that any particular houses were at the Tahsildar's command to rent or purchase.

7. In other respects also His Excellency the Governor in Council is obliged to dissent from the opinion expressed by the Board, and to agree with the Collector that Kondul Row is not a fit person to hold the place of Tahsildar and Sub-Magistrate. He observes from the correspondence before him, that in 1851 this Tahsildar was suspended for six months for what was styled at the time "most oppressive conduct;" that in 1855 he was reduced to a Tahsildarship of lower grade, his services being finally dispensed with when the alteration in Talooks took place in 1859; that having in 1860 entered the Police he was found careless in his work and useless as an Inspector, and was therefore required to resign in 1861; and that in 1862 he was re-employed as Tahsildar of Shealli during Mr. Cadell's absence, and under a misapprehension of the reasons which led to his resignation of the Police, the Acting Collector having been led to believe (by Kondul Row himself apparently) that it was because "he disliked the hard work." So much for Kondul Row's antecedents, which the Board have hardly taken sufficient notice of. His Excellency observes further, that this Tahsildar has since his re-entertainment habitually violated the standing rules on those vital points, the custody of the Treasury keys and the periodical examination of the cash, and that he is reported to be ignorant of the Codes which he has to administer; hostile towards the Police, as testified by more than one Superintendent; and inefficient, careless and vexatious in the discharge of his duties, as shown in the reports of Messrs. Hope and Plumer.

8. The Board should not, the Government think, have passed over all these circumstances. It may be true that some of the cases referred to are not susceptible of full proof, and that the enquiry into others is incomplete. But it is impossible to regard a man of the general character described above, and for which description, in the opinion of Government, there is ample and sufficient ground, as fit to wield the lately increased powers of a Tahsildar in one of the present extensive Talooks. It is a great pity that he was ever re-employed in a situation where he would have Magisterial duties to perform. As the question has come before them the Government have no hesitation in directing his immediate removal from his Tahsildarship.

9. The Collector will report, through the Board of Revenue, the length of Kondul Row's service, and the pension to which he would have been entitled had he resigned the service.

(True Extract.)

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

To the Board of Revenue.
,, the Civil Paymaster.

Exd. S. T. Augustin.

6

Session Case No. 9 of 1864.

1st Witness for the Prosecution

Name. Saminatha Chetty.

Father's name. Ambalavana Chetty.

Caste - Chetty.

Religion - Siva.

Profession Shroff.

Age - 41.

Name of his Village Shealy.

Name of his Talook. Do.

The above named witness having taken the usual solemn affirmation deposes as follows.

Q. Questions by Prosecutor.

I am a Shroff in the Shealy Talook formerly the monthly receipts for the Redivasal Salt Pans were forwarded to Tranquebar but since 1863 they have been sent to the Shealy Talook Cutchery. Those receipts used to be sent 3 times a month, but now they are forwarded at once on the 30th of each month. The money is under the charge of Shroff of the Salt Pans and he brings it in bags placed upon bandies. An Iruvalnamah and a Yadast accompany the money when brought to the Tahsildar who keeps the Yadast, & gives the Iruvalnamah to the Sagadi or Treasury Gomastah, under whose direction the examination of the money takes place in presence of the Talook Shroff - Salt Division Shroff & Gomastahs and money if found correct is kept in the Talook Treasury. I and the Iruvalnamah

signed the Jeusalnamah if the amount is correct, and then the Tahsildar or in his absence the Sheristadar signs the Document, and it is given to the Sheriff of the Salt Division who takes it to the Superintendent. The receipts for January were brought to the Talook Cutchery on the 30th of that month about 1 P.M. The Jeusalnamah & Gadaet relating to this money had reached the Talook previously about 11 or 12 o'clock. The money was brought into the Cutchery at 3 P.M. The Tahsildar kept the Gadaet & gave the Jeusalnamah to Gonachah Soobah Karagiar who handed it over to me. The Jeusalnamah stated that there were 26 full bags of Rupees and 4 bags of fractional parts of the Rupee & the total amount of money was Rs 15,948. I 2d witness Deputy Sheriff Ram Row examined the bags in the Prisoner's presence. The 2nd Witness Deputy Sheriff examined the bags containing fractional parts of a Rupee, & I & Ram Row counted the whole Rupees. The Prisoner assisted us in counting the money. We found a deficiency of Rupees 1150 in the full Rupees the other bags of quarter & 1/8 Rs were correct. We asked the Prisoner about the deficiency and he said there were some gold Rs being changed and the Rs 1000 would be brought towards making up the sum required and Rs 143 of

Servants

servants salary might be taken also. and he would immediately give himself the remaining Rs 7. I reported the deficiency to the Sheristadar, 3d witness, who called the Prisoner and inquired. The Prisoner said that some jewels were being brought & that he would make up the deficiency before the following morning. I also reported the matter to the Tahsildar who took a deposition from me & the Prisoner. The examination of the money commenced about 3 1/2 P.M. & terminated about 7 or 7 1/2 P.M. The Prisoner was present all the time. We then examined the copper coins that same night which were right and were then placed the whole by order of the Tahsildar in the Treasury. The money was changed into other bags belonging to the Talook and these bags were mixed with the others in the Treasury and we returned the Salt Department bags. There being a deficiency in the amount I did not sign the Jeusalnamah, but it is not my duty to remark on the Treasury account that the deficiency existed. I handed over the Jeusalnamah by order of the Tahsildar to the Sheristadar. The Prisoner took the bags as soon as the money was poured out of them. The Prisoner is the party to account for the deficiency. The Document A now shown me is the Jeusalnamah in question & bears the signatures of the Salt Superintendent

of

of the Sedavaval Station and also of Prison, this is not written by Prisoner himself but by the person writing the Examination. It bears the handwriting of the Tahsildar who acknowledges receipt of the money on the 30th January last.

By the Prisoner's Vakeel.

I am suspended now. I do not see why I was suspended in February. I was not asked about the Kagadi Gomastah but only who examined the money & therefore I did not mention the Gomastah before. There is a distance of about 8 feet between the place where the Treasury Chest is kept & where I examined the money; the full Rupees were in 9 bags. On seeing the bags, before opening one can tell whether they contain full Rupees or only part of Rupees. There was nothing in the bags. Chit or anything else to show the amount in each; they were not marked as usual with the sum in them. When the Prisoner said there were no more full Rupees but only fractional parts, I went & reported the deficiency to the Tahsildar. The examination of the Copper Coin kept us engaged to 12 o'Clock P.M. I don't know of any General order regarding the time at which the Treasury is to be closed. My place in Cutcherry is about 50 feet from Sheristadar. The Tahsildar could not see us as we counted. The Sheristadar could see the examination, being only 10 feet distant. The Tahsildar did not examine the Treasury after hearing from me of deficiency. He did not examine it afterwards. I have been

years Shroff but don't know whether the Tahsildar is in the habit of preparing a Balance report at the end of each month. At that time the Abkary money to the amount of Rs 900 came in & was taken into the Treasury. The Abkary Contractor kept the Abkary money separately outside the Treasury room. The money can't be expended on Sundays. I expended money from the Treasury on the 31st January Sunday. The Sheristadar keeps the Key of the Treasury as Tahsildar lives at a distance but Tahsildar ought to have it. The key was with the Sheristadar on Sunday and the money on Sunday was taken out by order of the Tahsildar. The money was expended on Sunday but entered in accounts as spent on Saturday. The 4th witness went away at 7½ but no one went away before the deficiency was discovered. The Prisoner was present and 4th witness told him that he was going.

By Assessor.

If there is any urgent business at end of month it is done on Saturday as it must be prepared during the month. The Prisoner asked Varavan Abkary Contractor Pillay for 7 Rs and when asked about it by Tahsildar said that it was for something else. There were 2 or 3 Treasury bags of whole Rupees

Rupees - There were 11950 full Rupees.

Signed R.G. Clarke.
Sessions Judge.

The above evidence was read over to the witness in the Tamil language which he understands and was acknowledged to be correct.

Signed R.G. Clarke.
17th March 1864. Session Judge.

(True copy)

R.G. Clarke
Sessions Judge.

Rupees - Three cane 1950 full Rupees

Signed R.G Clarke.
Sessions Judge.

The above evidence was read over to the witness in the Tamil language which he understands and was acknowledged to be correct.

Signed R.G Clarke.
17th March 1864. Session Judge.

(True copy)

R.G Clarke
Session Judge.

Translation of an order to Koudal Rao

dated 2d April 1864 No 97.

In connexion to your Agi dated 22d February 1864 No 109 I have the honor to observe that Government officers to stay for want of commeniue they cannot live in the Kasba is incon= cilable with any sense of propriety & that you cannot procure a house to dwell in, in such an extensive town as Shiali is perfectly unaccountable. Under any circumstances whatever it is your duty to fix your abode in the Kasba.

You are therefore directed to remove your residence from Tittai to Shiali within the lapse of a month after you receive this order.-

/Signed/ W. H. Cadell
Collector

/True Translation/

W. H. Cadell
Collector

No 2557/Rec.
1864 Dated
In a Letter
from
The Collector
of Tanjore
to the Secretary
to the Govt Revenue
Department
Dated 15th
Rec'd 5th May 1864

No 102

Explanation from
Tanjore to the Collr

Collr's No 2017/64

Sessions case No. 99 of 1864.

4th Witness for the Prosecution.

Name Kondal Row

Fathers name Sabapathy Iyer.

Religion Siva.

Caste Brahmin.

Profession Tahsildar.

Age 53

Name of his Village Shealy.

Name of his Taluq Do.

The above named witness having taken the usual solemn affirmation deposes as follows:

Questions by Prosecutor.

I was Tahsildar of Shealy last January. The collections from the Nedivasal Salt-pans come usually to the Taluq Cutchery at Shealy. They arrived last January about 10 A.M. on the 30th of the month. The usual Irasalumah & Jadast accompanied the Shroff before the money arrived. I saw the Jadast & ordered 10 witness to examine the money. 10 witnesses
About 7 o' clock that Evening the head Shroff and the Treasury Gomastah Soobba Narasia came & reported to me that there was a deficiency of Rupees 1150. The total amount sent was Rupees 15,948 & it was counted

Roc. 255/64.
1864. Despatch
No. 2
From
The Collector
of Tanjore
To
The Secretary
to the Board of Revenue
Chepauk
Dated 17th May 1864
Rec'd 23rd May 1864
No. 162

Transmitting a Letter from Sabapathy Iyer Tahsildar of Shealy & Vandal Row Sircar of Sirkali 2nd class relative to Rs. 1150 deficiency in Rs. 15,948 received from Nedivasal Salt-pans.

near the Treasury Room in presence
of the 1st witness Loohea Narakia Treasury
Gomastah the 2d witness & the 4th witness
now dead I took a deposition from
1st witness & Prisoner and ordered the
money to be kept in the Treasury.
The Prisoner admitted the deficiency
& promised to make it good within
8 days. I asked him whether the money
was taken there or here but he gave
me no answer & only said it had
been lost somehow or other. It is not
usual for me to see the Jmsalmamah.
sometimes I see it & I remember seeing
it in January last. It is returned by
the Talook Sheristadar (Moozoomdar) 3d
witness & if the money is correct an
Endorsement to that effect is written
thereon otherwise a deficiency is noted
on the Document That same night
I reported the circumstance to the Collector
Deputy Collector & Assistant Collector.
I did not examine the Treasury myself
that month. I have examined the
Treasury twice I think since I was
appointed Tahsildar of Shealdy in July
1862. Once when I took charge & the second
time on the 28th December last or thereabouts.

12

The key of the Treasury was with the
Moozoomdar (Talook Sheristadar) I entrusted
it to him in order to avoid delay during
my absence to Villages in the District.
A note of the deficiency is made by me
in some of the daily accounts Though
I am required by the Summons to bring
the original record showing my note
of the circumstance to the Court I have
only brought a Memo of the total amount
sent for Nadiyasal I will send for &
present the original tomorrow. The
accounts are all sent by Talook Peon
to Collector, they came in a cover to me
with Jmsalmamah & Jadast in a
separate cover. I do not open the cover
containing the accounts which is
addressed to the Deputy Collector but
after counting the money, my report
accompanies the accounts sent by
Peon to Deputy Collector. The Document
B before the Court is the Jadast in question
& Exhibit A is the Jmsalmamah & it
bears my initial with the date of
receipt. My signature is affixed to
the Notes in the accounts sent to the Deputy
Collector Exhibit C. The Shroff (Prisoner)
4 Constables & the Peon who brought

the

the Trutalumnah accompanied the cash The Prisoner is responsible for the deficiency he has given security for Rupees 1000 viz 3 sureties himself & 2 others. The security bonds — in the collector[illegible] read I to[illegible] about 15 days after the deficiency was discovered. The Deposition was taken in presence of Prisoner & he had the opportunity of cross examining the 4th witness Exhibit D before the court is the deposition I allude to It bears my signature

By Prisoner's Vakeel.

On the 30th January I went about 10. A.M. to katcherry. The Shroff knows when the money began to be counted. Every day the Treasury is closed about 6 O'clock sometimes it may be 7 O'clock when there is much work. It is not the custom to cast up the Jabok account Nominal in the particular you now refer to. The Treasury is not closed at 5 O'clock. The parties who reported the deficiency told me that the bags did not contain exactly Rupees 500 the deficiency only occurred in the full Rupees, the Copper coin was not then counted. I sit about 30 or 40 feet from the Treasury in another room No money came from other Departments while the Redemasal Sah money was being counted. The deficiency was not in my Treasury, the money was locked up & the account prepared by the Sheristadar nor I examined the Treasury that month. I did not tell the Prisoner to cross question Ramrow when I took his deposition. Nor did he ask to be allowed to do so. I did not hold katcherry on Sundays the 31st January. If there is a necessity for it Money would be given out on Sunday but up to the present time such a necessity has not occurred. I don't know of money having been expended on the 31st January Sundays & entered in the preceding days account. It is not written in Prisoner's deposition that if 8 days were given he would pass the amount book. I did not think it worth my while to take it down, as there was security given.

By Prosecutor

If I gave an order for money to

to be paid on Saturday. I don't know whether the order might be carried out by the Gomashtahs on Sundays. Eight days after he gave his first deposition Prisoner said he would make good the deficiency in 8 days. The Prisoner gave deposition on 3 different occasions 30th January 11th February & 15th February.

By Court

The deficiency was said to be in the full rupees which had been examined. It was not said that that deficiency was in the whole amount of Collections. The Copper Coin were subsequently examined & found to be correct.

Signed R. J. Clarke
Sessions Judge

The above evidence was read over to the witness in the Tamil Language which he understands & was acknowledged to be correct.

4th April 1864.

Signed R. J. Clarke
Sessions Judge

(True copy)

R. J. Clarke
Sessions Judge

Translation of an Arzi from Kondal Row Tahsildar of the Sheully Taluq dated 3rd. May 1864 No. 126.

I beg to acknowledge the receipt of your letter dated 2d. April 1864 No. 97 desiring me to remove my place of residence from Tittai to Shiulli within the lapse of a month after the receipt of your letter.

In reply I beg to submit that no pucca houses can be had at Sheully for me to dwell in and that this has been the very reason which induced me to fix my residence in Tittai during the past long period of time. Moreover I beg to state that I have laid out my own money in repairing the premises I now occupy. A mere enquiry will convince you of the truth of my assertions.

I cannot fail here to bring to your notice the fact that the Officers of the Court as well as of the Taluq Kacheri have been compelled to fix their abode in the outskirts of Sheully for want of houses in the town.

Rec'd 25th May 1864. Dated 17th May 1864.

From
H. Chetty
Tahsildar
To
The Deputy Collector
Chingleput

No. 162

Explanation from Tahsildar &c.

Collr's Ltr No 39 1/64

I further beg to observe that when I received the letter under acknowledgment I was in Trunquebar and that I was not able to return to Shenlly before the commencement of the Festivals in the celebrated temple therein. It was then as a matter of course crowded with swarms of people that came to visit the temple and consequently I then found it difficult to ascertain whether there was any house procurable for me to occupy but after the festivals were over I understood on enquiry that no house can be had for the present. In the event of my removing my residence to Shenlly I beg to observe that I must build a new house for myself.

(Signed) Ramdass Row
Interpreter

(True translation)

W. W. Fullarton
Collector

Tanjuebar 3d May 1864

No 310

From R. G. Clarke Esquire

Assistant Judge of Tanjuebar

To

W. M. Cassels Esquire

Magistrate of Tanjore

Sir,

I have the honor to forward herewith Copies of the depositions requested in your letter No 72 of the 8th Ultimo, and to augment your [illegible] no remarks have been recorded by the Court in reference to the conduct of the Jabsildar and Moonsiff [illegible] on the occasion of the deficiency in the remittances being brought to notice but they were both severely warned against a repetition of such carelessness as they had exhibited.

I have the honor to be
Sir
Your most Obed Servant
(Signed) R. G. Clarke
Assistant Judge

Tanjuebar
3d May 1864.

[True Copy]
W. M. Cassels
Collector

Rec. 255/64.
1864. Dated 10
Sir
I have the
Collector
to forward
Herewith
Statement
of Depositions
Recorded
in the Case
of Sivaraman
Chetty
Dated 17
Feb 3 May 1864
No 112
Translation of
letter from Tandavaraya
Pillay Jabsildar of
Kumbakonam dated
3d May 1864 No 120
No 2871/64

Session Case No. 9 of 1864.

5th Witness for the Prosecution

Name Ram Row
Father's name Bapu Row
Religion Vishnoo
Caste Brahmin
Profession Shirestadar of Sheally Taluk Cutchery
Age 50.
Name of his Village Sheally
Name of his Taluk Do

The above named witness having
taken the usual solemn affirmation
deposes as follows.

By Questions by Prosecutor.

The receipts of the Talk Department
at Peddanaal for January came to
the Taluk Cutchery at 10 o'Clock on the
30th January. Before the arrival an
Invalidannah and Yadack had
been received that same morning.
The Tahsildar looked at the Invali-
dannah and signed it and gave it
Done of the Goomastahs as usual
and money was examined. My
seat in the Cutchery is about 40 feet
from the place where the examination
of the money took place. At 8 P.M.
the 1st Witness and Prisoner came Dine
and said that on examination of the
silver coin a deficiency of Rs. 1150 was
found and that the copper coin was
not examined. I questioned the Prisoner
and

Rec. 25th/64
1864. Dated

a Letter
from
The Collector
& Magte
to
Tahsildar
The Dy Peishcar
Chittoor
Dated 7th May 1864
Rec'd 9th May 1864

No. 1102

Forwarding Form
for quarter sum
to dispersion charge
& Surrender acts
of Peddanaal acts
3rd May 1864 - Rs 3112.

Rs 2877/64
under 5 Chas

who admitted the correctness of the
deficiency and said that jemadar was
coming and it should be made good
the following day. I sent them on &
report the circumstances of the Tahsildar
and Sales ment and reported what
the Prisoner had said to me. The Tahsil-
dar took depositions from the Prisoner
and the Sirkar peon. When Tahsildar was
going home he ordered me and the
Sirkar and Nagadi Soomachetty
and Constable Thimmarayan Naik
to examine the copper coin. We examined
and found all correct. Then by order
of Tahsildar we placed all the money
in the Treasury in Tahsildar's face. In the
Monthly account sent up by the Deputy
Collector in charge of the Treasury
the deficiency is reported. I therefore
return Original with receipts
if the money be correct but that
not being the case the Original
is kept with me. At the time
such another deficiency has not
occurred. I saw myself, I could
see the persons counting, but not the
money counted. I don't know at
what hour the examination com-
menced. The Prisoner admitted
to me the correctness of the deficiency
and is responsible for it. Besides
as he brought the money it is his
duty

duty to deliver it correctly or he must
be held answerable.

By Prisoner's Vakeel.

The money arrived at one o'clock
in the Station. I heard that the exami-
nation commenced at 3 o'clock.
The Tahsildar did not examine the
Treasury after 8 o'clock that night &
nor did I. I am not responsible
for that after 8 o'clock that night
I was told that Rs. 940 Abkary money
had arrived. It was kept separate
and brought to account next day.
The Treasury is closed at 6 o'clock P.M.
If money comes after 6 P.M. and there
is plenty of money coming in at
end I must put it into the
Treasury. We can expend money
on Sunday if necessary. I don't re-
member whether any sum was
expended on Sunday the 31st. You must
ask the Soomachetty. The Key is usually
with Tahsildar but he lives 1½ mile
from Cutcherry and so he gave it over
to me. The Abkary money was received
on 31st and credited then. We counted it
on the 30th according to Tahsildar's order.
All the Monthly accounts must be
brought up on the 31st and for that
reason all the Servants of the Cutcherry
came that Sunday. The Tahsildar did
not examine the Treasury after that
and has not examined it since he
took charge. Monthly we forward a
Balance report & Razoon the Tahsildar

did

Sangini Collector's Office
Trivandrum 17th May 1864

did not ask me to give a deposition and therefore I did not give it. I may have given my 2 deposition on the 11th February. I have known Prisoner 2 year in the Salt Division.

By Prosecutor.

I kept the Cahoilam did not himself take charge yet it was examined 7 or 8 times since his appointment by his order by me and the Jamadar. The Chetties are responsible for the money in the Treasury. The accounts mentioned in the Yadast have been sent by the Deputy Collector the Document B now shown me is the Yadast mentioned by the Cutchy of the Tiruvanapel Salt Division. I produce the Tiruvalavanmak which accompanied B.

By Prisoner

Rama Row was not present when me placed the money in the Treasury.

(Signed) R. K. Clarke
Sessions Judge

The above evidence was read over to the witness in the Tamil language which he understands and was acknowledged to be correct.

17th March 1864.

(Signed) R. K. Clarke
Sessions Judge

True copy

R. K. Clarke
Sessions Judge

No. 3,610.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th June 1864.

Read the following letter from the Collector of Tanjore, dated Trivalore, 17th May 1864, No. 162:—

1. With reference to the correspondence marginally noted, I have the honor to forward for the information of the Board copy of a letter received from the Sessions Judge at Tranquebar with its enclosures relative to the trial of the late Shroff of the salt station at Neidavasal.

To Board 24th March.
do. 9th April.
Board's Proceedings 6th May.

2. From these it will be seen, that the Tahsildar Kondal Row admits that he has habitually left the keys of the Taluk Treasury with the Serishtadar, and that he has only twice examined his Treasury between the months of August 1862 and April 1864. The Serishtadar of the Taluk on the other hand states, that the Treasury has only been examined once, and this being the case, it is easy to understand how the rumour adverted to in my letter of the 24th March last has got abroad that the cash in the Taluk Treasury has been habitually deficient.

3. Further, I may observe that in the inquiry made in this matter it came to light that instead of living within his Kâsba, the Tahsildar has, since his re-appointment to the Taluk in August 1862, been residing at the village of Tittay, a distance of two miles on the Tranquebar road, and that the time of his attendance at the Cutcherry, has been for a short time in the morning and from four or five in the afternoon till late at night. When this came to my knowledge I directed him to live in his Kasba, and gave him a month to find accommodation. I enclose a translation of the order sent to this effect to the Tahsildar on the 4th April, together with a translation of his reply received on the 9th. From the latter it will be seen, that the Tahsildar states he cannot find accommodation. This I am in a position to state is positively and deliberately false. Shialli with its suburb Tadalankovil is a place of considerable size; it contains several large Chuttrums and a large number of very respectable dwellings; to say therefore that accommodation cannot be had there shows not only that the Tahsildar refuses to obey my orders, but that he evinces an utter disregard of truth altogether unbecoming an officer in his position. I may further add that I have more than once been on the point of bringing this officer's conduct to notice with a view to obtain his removal from an office for which he has so repeatedly shown himself unfit.

4. With regard to his Magisterial work, I must also state that Kondal Row is not only totally ignorant of the Codes, but that many of his decisions are contrary to the evidence, and there is scarcely a calendar which comes to this office from the Shialli Taluk which does not call for revision or remark. Again in his intercourse with the Police, Kondal Row never loses an opportunity of annoying them and throwing difficulties in their way as much as he possibly can, and the complaints which have been made against him by Captain Campbell and Lieutenant Hudleston on this subject have been again and again reiterated. This was I know also the case when Mr. Mr. Plumer and Mr. Hutchins were in charge of the Taluk, and the latter gentleman has more than once brought his arbitrary and unjust proceedings to my notice.

5. Further, the antecedents of Kondal Row are not much in his favor. He was reduced in the year 1855 from the Tahsildarship of Kuttalam to the Tahsildarship of Pattukotta whence he was again promoted and again reduced by my predecessor, and finally when the reduction of Taluks took place, his services were dispensed with.

6. He then entered the new Police when he again misconducted himself, and was reduced for "*insolence and insubordination.*" On this, he resigned that employ, and during my absence in Europe, he was again re-employed as acting Tahsildar in Shialli.

7. From the above facts I however submit that the retention of Kondal Row, in the very responsible and important post of Tahsildar, is no longer desirable, with a due regard to the maintenance of discipline as it now exists or interests of the public service, and I therefore beg to recommend that he be removed.

ENCLOSURE No. 1.

ABSTRACT.—Copy of a letter from the Session Judge of Tranquebar, dated 3rd May 1864, No. 310.

ENCLOSURE No. 2.

ABSTRACT.—Translation of an Order to Kondal Row, dated 2nd April 1864, No. 97.

ENCLOSURE No. 3.

ABSTRACT.—Translation of an Arzi from Kondal Row, Tahsildar of the Shialli Taluk, dated 3rd May 1864, No. 126.

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1. The Board do not consider that there is sufficient cause shown in the papers before them to warrant Kondal Row's dismissal from the public service, but in regard to the custody of the Treasury keys and to the periodical examination of his Treasury he has habitually violated the standing rules on a very important point. The Rule 103 at page 31 of the Taluk Manual requires the Tahsildar if present to examine the Treasury every month, and to certify that the contents were found correct. The Collector's reply to the Board's Circular Order dated 13th June 1863, which is embodied in their Proceedings dated 7th December 1863, No. 7,682, shows that the District rule was that the Tahsildar should keep the Treasury keys when at the Kusbah.

2. Kondal Row according to his own statement has wholly disregarded these rules, and the Board therefore authorize the Collector to reduce him to a Taluk of the lowest grade in the District as a punishment.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To W. M. Cadell, Esq., Collector of Tanjore.

Copy to R. W. Lodwick, Esq., Civil Paymaster.

Exd. J. Wright.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 11th June 1864.

Despatched

Received

No. 3,610.

Authorizing the Collector to reduce Kondal Row to a Taluk of the lowest grade.

1864. Department.

No.

22

No. 4,667.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd July 1864.

Read the following letter from the Collector of Tanjore, dated Point Calimere, 21st June 1864, No. 213:—

1. I have had the honor of receiving Extract from the Proceedings of the Board, under date the 11th instant, in reply to my letter of the 17th May, No. 162, regarding Tahsildar Kondal Row.

2. In their Proceedings the Board however seem to have lost sight altogether of the main facts which formed the subject of my former communication, and not one of them is even adverted to in the Proceedings under acknowledgment. I must therefore beg, and with all respect, to request that the Board will re-consider their decision, and would take leave shortly to summarize the reasons which have been already set forth, and which I submit are ample and sufficient for the removal of Kondal Row from the office of Tahsildar.

3. In addition to his habitual disobedience of standing orders, and which have already been commented on by the Board, I beg again to bring to notice,

1*st*.—Kondal Row's direct disobedience to my own order in refusing to live in his Kasba, and his wilful and positive falsehood in stating that he could not find accommodation there.

2*nd*.—His utter and entire ignorance of both the Penal and Criminal Procedure Codes, and the constant and repeated complaints that are made of his tyranny and injustice.

3*rd*.—His hostile attitude towards the Police as frequently brought to notice by Lieutenants Campbell and Hudleston.

4*th*.—His antecedents and previous bad character both as a Tahsildar and as an officer in the new Police force. In addition to these charges of general misconduct and unfitness for the responsible post of Tahsildar, I have now to state that it is in evidence that Kondal Row has wilfully given false evidence before the Sessions Court at Tranquebar. In the trial of the Neidavasal Shroff, Kondal Row states before the Court that the prisoner (meaning the Salt Shroff) "admitted the deficiency, and promised to make it good within eight days." Now in the original deposition taken by Kondal Row himself, nothing of the kind is stated; the Shroff did not admit the deficiency, and therefore could not have promised to make it good. It is a matter of notoriety (though it cannot now be judicially proved) that by far the greater bulk of the deficiency was caused by the head Shroff of the Taluk, and not by the unfortunate Salt Shroff, and yet this Sub-Magistrate in open Court and after having taken a deposition from the Shroff himself, and in which no mention whatever is made of the Shroff's admission of his guilt and promise of restitution, deliberately swears that such statements were made.

4. Further, I find that I have omitted to state that Kondal Row was recommended by a former Sessions Judge, Mr. Scott, to be dismissed, and that after a somewhat lengthy correspondence he was suspended for six months. I deem it therefore my imperative duty again to ask the Board that they will take into their careful and earnest consideration all the facts which I have now again submitted; the Board are aware of the anxiety of Government to make the office of Tahsildar and Sub-Magistrate a thoroughly honorable and responsible one, and I must very respectfully submit that the retention of an officer such as I have shown Kondal Row to be, unprincipled and unscrupulous, insolent and insubordinate to his superiors, and tyrannical and oppressive to his inferiors, is not only subversive of all discipline and degrading to the office he holds, but also a positive injustice to the people of the Taluk over which he is placed.

5. I would only add that Kondal Row is upwards of 53 years of age, and as he has served the Government upwards of thirty years, the Board may seem fit to require him to retire on such pension as he may be entitled to.

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1. The Board did not overlook the several points to which Mr. Cadell now refers.

2. As to Kondal Row's having knowingly denied that he was able to find a house within the town of Shialli, the Board observe that they could not punish the Tahsildar on such a charge

except on evidence proving that houses were available. The Collector should have established this point by direct inquiry, and then should have reported the Tahsildar if he persisted in living out of the town.

3. With regard to the second complaint, the Board cannot sanction the dismissal of any Sub-Magistrate on the general statement that he is ignorant of his duty. If a Magistrate wishes to have the Board's sanction for the dismissal of a Tahsildar on the ground that the Tahsildar is unfit for Magisterial work, he should forward cases in proof of the alleged unfitness, for by no other means can the Board form an opinion whether the complaint be well founded or not.

4. The Board could not deal with the complaints made in the second, third, and fourth cases as complaints actually proved, for the Collector failed, as in the second case, to lay before the Board any evidence in support thereof.

5. The Board did not lose sight of any "facts" in Mr. Cadell's first report. It was clear that Kondal Row had violated the rules relating to the examination of his Treasury, &c. They therefore authorized the Collector to reduce him to a lower grade. They do not find that the other charges against him have been proved.

6. With regard to the new subject of complaint to which Mr. Cadell now refers, the Board observe that the charge was one which the Sessions Judge was competent to deal with. If the Tahsildar gave wilfully false evidence on a trial before the Session Court, the Session Judge had it in his power to report the case to the High Court, and to recommend that the Tahsildar should be dismissed. The Board's sanction is necessary only in cases in which a Sub-Magistrate is charged with "general misconduct and inefficiency."

7. It is quite true that the Government and the Board are most anxious that the office of Tahsildar should be filled by the most honorable and efficient men procurable; and to ensure this object particular care is enjoined on Collectors in making selections for these responsible appointments. The nominations of Collectors are also closely scrutinized by the Board. But the same principle requires that great caution should be exercised in removing an officer of this grade from his situation, and the Board cannot consent to the summary dismissal of Tahsildars of long service, on general charges unsupported by conclusive evidence of their alleged utter unfitness to hold the post they have filled for many years.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To W. M. Cadell, Esq., Collector of Tanjore.

Exd. J. Wright.

Passing remarks on his letter recommending dismissal of Kondal Row, Tahsildar of Shiali Taluk.

No. 4,667.

Received

Despatched

Dated 23rd July 1864.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

1864.

Department.

23

No. 5,071.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th August 1864.

ad the following letter from W. M. CADELL, Esq., Collector of Tanjore, dated 20th July 1864, No. 249 :—

1. I have the honor to request the Board will forward an early reply to my communication e 21st ultimo, No. 213. I may take this opportunity of stating that since its despatch Mr. e has again brought to notice that Kondal Row took no notice whatever for fourteen months, important order sent to him by Mr. Plumer, the Acting Sub-Collector, by which neglect has been considerable loss of public revenue.

2. If an officer in the position of Kondal Row is thus to be permited to set all authority at nce, it is simply impossible that the discipline of the Public service can be carried on, and I herefore to state that it is my intention to relieve Kondal Row from the office of Tahsildar of li from the 1st proximo; if the Board have any doubt of the propriety of removing him from ffice he now holds, I respectfully request the matter may be submitted for the consideration rder of Government.

———

. The Board's orders in the case of Kondal Row, directing his removal to a lower grade and cting the Collector to send up detailed proof of misconduct, if he has anything further to against him, have already been communicated to Mr. Cadell, and the Board see no reason at t to submit the case to Government as proposed by Mr. Cadell.

. The Collector is reminded that he is not competent to dismiss a Tahsildar, and that he ly suspend him as a temporary measure pending the Board's orders on a detailed report of misconduct such as has not yet reached the Board in this case.

. If Mr. Cadell has not yet carried out the Board's orders for Kondal Row's transfer to an r grade, and has proof to adduce of such misconduct as would warrant dismissal, their may remain in abeyance pending the Board's decision on the case, but the detailed report e submitted without delay, and meanwhile Kondal Row must retain his appointment.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

M. Cadell, Esq., Collector of Tanjore.

Wright.

except on evidence proving that houses were available. The Collector should have established this point by direct inquiry, and then should have reported the Tahsildar if he persisted in living out of the town.

3. With regard to the second complaint, the Board cannot sanction the dismissal of any Sub-Magistrate on the general statement that he is ignorant of his duty. If a Magistrate wishes to have the Board's sanction for the dismissal of a Tahsildar on the ground that the Tahsildar is unfit for Magisterial work, he should forward cases in proof of the alleged unfitness, for by no other means can the Board form an opinion whether the complaint be well founded or not.

4. The Board could not deal with the complaints made in the second, third, and fourth cases as complaints actually proved, for the Collector failed, as in the second case, to lay before the Board any evidence in support thereof.

5. The Board did not lose sight of any "facts" in Mr. Cadell's first report. It was clear that Kondal Row had violated the rules relating to the examination of his Treasury, &c. They therefore authorized the Collector to reduce him to a lower grade. They do not find that the other charges against him have been proved.

6. With regard to the new subject of complaint to which Mr. Cadell now refers, the Board observe that the charge was one which the Sessions Judge was competent to deal with. If the Tahsildar gave wilfully false evidence on a trial before the Session Court, the Session Judge had it in his power to report the case to the High Court, and to recommend that the Tahsildar should be dismissed. The Board's sanction is necessary only in cases in which a Sub-Magistrate is charged with "general misconduct and inefficiency."

7. It is quite true that the Government and the Board are most anxious that the office of Tahsildar should be filled by the most honorable and efficient men procurable; and to ensure this object particular care is enjoined on Collectors in making selections for these responsible appointments. The nominations of Collectors are also closely scrutinized by the Board. But the same principle requires that great caution should be exercised in removing an officer of this grade from his situation, and the Board cannot consent to the summary dismissal of Tahsildars of long service, on general charges unsupported by conclusive evidence of their alleged utter unfitness to hold the post they have filled for many years.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To W. M. Cadell, Esq., Collector of Tanjore.

Exd. J. Wright.

Passing remarks on his letter recommending dismissal of Kondal Row, Tahsildar of Shiali Taluk.

Received

Despatched

Dated 23rd July 1864.

No. 4,667.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.
Rec. 2557/64.

Department

1864.

23

No. 5,071.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th August 1864.

Read the following letter from W. M. CADELL, Esq., Collector of Tanjore, dated 20th July 1864, No. 249:—

1. I have the honor to request the Board will forward an early reply to my communication of the 21st ultimo, No. 213. I may take this opportunity of stating that since its despatch Mr. Hope has again brought to notice that Kondal Row took no notice whatever for fourteen months, of an important order sent to him by Mr. Plumer, the Acting Sub-Collector, by which neglect there has been considerable loss of public revenue.

2. If an officer in the position of Kondal Row is thus to be permited to set all authority at defiance, it is simply impossible that the discipline of the Public service can be carried on, and I beg therefore to state that it is my intention to relieve Kondal Row from the office of Tahsildar of Shialli from the 1st proximo; if the Board have any doubt of the propriety of removing him from the office he now holds, I respectfully request the matter may be submitted for the consideration and order of Government.

———

1. The Board's orders in the case of Kondal Row, directing his removal to a lower grade and instructing the Collector to send up detailed proof of misconduct, if he has anything further to allege against him, have already been communicated to Mr. Cadell, and the Board see no reason at present to submit the case to Government as proposed by Mr. Cadell.

2. The Collector is reminded that he is not competent to dismiss a Tahsildar, and that he can only suspend him as a temporary measure pending the Board's orders on a detailed report of serious misconduct such as has not yet reached the Board in this case.

3. If Mr. Cadell has not yet carried out the Board's orders for Kondal Row's transfer to an inferior grade, and has proof to adduce of such misconduct as would warrant dismissal, their orders may remain in abeyance pending the Board's decision on the case, but the detailed report must be submitted without delay, and meanwhile Kondal Row must retain his appointment.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To W. M. Cadell, Esq., Collector of Tanjore.

Exd. J. Wright.

Revenue Department

Memorandum

1. The correspondence noted in the margin was submitted with the Board's Proceedings relative to Kondal Row, at present holding the appointment of Tahsildar in the Shahabad Taluq, and the orders of Government are required with reference to a petition herewith returned.

2. From the statement of the Collector of Tanjore and the Board of Revenue's opinion it appears that Mr. Cadell has committed an error in the discharge of his official duties, but that the case is not one in which he can be called upon to tender an apology to the Court.

3. The Board recommend that Mr. Cadell be admonished for the irregularity of his proceedings, and be informed that the Court expect that in future he will refrain from such proceedings.

Before recommending this course, however, the Board would request the opinion of Government as to whether Mr. Cadell should be called upon to tender an apology to the Court.

Rev. 2557/64

Out in this Rev. of the Bd of Rev. to the Govt. R.D. dated 23 Sept 64 No 6280-

1864. Department.

No.

Rev. 2557/64

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 8th August 1864.

Despatched

Received

No. 5,071.

Stating that the Board's orders in the case of Kondal Row have already been communicated to Mr. Cadell, and that they see no reason at present to submit the case to Government.

of March as 1851, this
Tahsildar was suspended
on six months under a
the following circum-
stances. There is it
appears in the Taluq
an influential land-
holder named Kodanassel
Ramayan who from
various motives had
rendered himself obnox-
ious to Knadul Ram
Ah the close of 1850 an
assault was committed
by certain dependents
of the said Kodanassel
Ramayan, upon an
individual who had
driven off one of his sheep
without paying its
value. After unwarrantable
delay

delay the case was
committed to the Sessi
Court for trial by
the Tahsildar as an
of "Highway Robbery
On investigation it
was found that the
Tahsildar had first
punished the Prisoner
for the assault and
then committed him
for the alleged Robbery
against the express
wishes of the Joint
Magistrate of the
District. The Magistrate
was of opinion that
he had acted in this way
from improper motives,
especially as there was
not the slightest ground
for

treating the charge
as one of "Highway
Robbery", and the ct
Sessions Judge on ct
reviewing the case ct
came to the conclusion
that on account of
the inimical feelings
which existed between
the Tahsildar and the
Prisoner's Master, ct
the former had delibe-
-rately committed the
case for trial, though
there was not a particle
of evidence in support
of the charge, and he
proposed to recommend
the Tahsildar's dis-
-missal, unless the
District authorities

were of another opi-
The Joint-Magistrate
thought that as the
Tahsildar's "most op-
-pressive conduct" was ct
openly unjust and ille-
-gal, and untainted with
the far more dangerous
and usual adjuncts of
secret fraud and chicanery,
dismissal would be too
severe - and that six
Months suspension
would suffice - The ct
Magistrate proposed to
increase the proposed sus-
-pension to one year - The
Sessions Judge, therefore,
left the Magistrate
to deal with the case
as he thought fit, and
finally in July 1851
the

Board of Revenue
sanctioned the sus-
pension already adverted
to.

From the correspond-
ence now under review
it appears that in 1855
Kandul Row was
reduced from the Tahsil-
darship of Kuttalam
to that of Puttukotta,
and that finally when
the reduction of Talugs
took place his services
were dispensed with.

4. He subsequently
served in the Police
Force of the District
from September 1860 to
November 1861. Being
careless in his work and
useless as an Inspector he
was

vide Lieut. Cay's letter
30th July 1864. No. 138.

was required to resign
Mr. Cadell in his let-
of 17th May 1861 speak-
of his having been re-
duced while in the
police force "for insola-
and insubordination."
This appears to be a mis-
take, as the Supt. of Police
finds nothing on record
against him. Kandul
Row was reemployed in 1862
as Tahsildar of Sheali
under the orders of the
Board of Revenue who had
learnt from Mr. G. L.
Morris, acting Collector
during Mr. Cadell's absence
in England, that no reason
existed against his re-
employment except

his

See Bd. Rec. 23 Sept. 1864
No. 6280 - para 31.

resignation of the Police" as he disliked the hard work". Mr. Morris would have made him wait longer but the Board considered that he had a preferential claim as he had been displaced from his original appointment at the reduction of Talugs. Mr. Morris appears to have been misled as to the causes which led to Koondul Rau's resignation of his Police Inspectorship.

5. The present correspondence took its rise in the following manner. In a remittance received on the 30th January last at the Sheally Talug Cutcherry from

Vide correspondence recorded in Board's P.C. 6th May 1864 No. 2728.

from the Salt Division at No a deficiency of Rs. 1150 was discovered. The Shroff in charge of the money was committed for trial and sentenced to seven years' transportation, but there were several circumstances which threw suspicion on other parties. The Head Shroff of the Talug was implicated, the Tahsildar had made no attempts to ascertain whether the other monies in the Treasury were right; the remittance in question was being shroffed, too, late at night, in defiance of repeated orders to the contrary. It further came out in the course of the trial

resignation of the

that the Tahsildar has
habitually left the keys of the
Treasury with the Serishtadar
and that he had only twice
(the Serishtadar said once)
examined the Treasury dur-
ing the 20 months he had
been in charge of the Talug.
It appeared also that instead
of living in the Kasbe Sta-
tion the Tahsildar had his
dwelling in a village two
miles off, which accounted
for his leaving the Treasury
keys with the Serishtadar
as well as for his irregular
attendance at his Cutcherry.

Directly the C
learnt where the Tahsilda
he ordered him to find accom
dation in the Kasbah within
month. After that period ha
elapsed the Tahsildar wrote
to say that he could not fin
a house in Sheallie and that
if he had to move there he
would have to build one.

From Collector to Board 17th May 64 No. 162

89

7. The Collector then
laid all the facts of the case
before the Board. He
specially noticed the disregar
for truth evinced by the Tah
sildar in his statement
that he could not find a
dwelling in Sheallie it being
simply an excuse for dis
obeying orders; and

verting to the negligence
duty displayed by the
shsildar as well as to his
remissness, as a Magistrate,
annoying behaviour in dealing
with the police, and unfavorable
antecedents, he recommended
that Kondul Row should
be removed from his ap-
pointment.

8. The Board did not
think that sufficient cause had
been shewn to warrant Kondul
Row's dismissal; but as the
Standing Rules relating to his Treasury
Duties had been habitually dis-
regarded they authorized his
degradation to a Talug of the lowest
grade

Board's Pro: 11th June 1864, No 3610

9. 3d This decision
by no means satisfac
to Mr Cadell who in repl
recapitulated the vario
charges which he had
brought against Kondul
Row, and which had been
left unnoticed by the Board,
adding that the Tahsildar
had in addition wilfully
given false evidence in
the Salt Remittance case
He submitted that the re-
tention of such an officer
"unprincipled and unscru-
"pulous, insolent and in-
"subordinate to his superiors
and tyrannical and op-
pressive to his inferiors
is not only subversive of
"all discipline and degra-
"ding to the office he holds
"but also positive injustice
"to the people of the Talug"
over which he is placed."

10. The Board observe
upon this that they had
not overlooked the point
adverted to by the Collr

Board's Pro: 23d July 1864, No 4,667.

they had taken due
tice of the facts which
e had reported; and
that as no evidence had
been laid before them
on the other matters they co
could not consider the co
charges involved in them
as proved; that the new
item of "false evidence" co
should have been dealt
with by the Sessions Judge;
and that they could not
consent to "the summary
"dismissal of Sahsildar's
"of long service, on general
"charges unsupported by co
"conclusive evidence of
"their alleged utter unfitness
"to hold the post they have
"filled for many years."-

11. After a further corre-
-ference the Collector pro-
-ceeded to submit detailed
proof of the Sahsildar's
misconduct. First of all
he protested in the strongest
and most emphatic man-
-ner at the mode in which
the

× vide Bds' Pro: 8th Augt
1864, No 5,071-

31

the Board had de
-ed evidence on su
a point as the existen
of house accommodati
for the Sahsildar in
own Kasbah.- If he wa
called upon thus judicia
to prove every thing on
which he might have to
report as a matter of fact,
it was simply impossible
that the public service
could be carried on.- From
his lengthened residence
in the District he was
able to affirm that the
Sahsildar's plea of ina-
bility to find a residence
in his native place she
alli was simply a false
hood, and on this ground
alone there was ample rea-
-son for removing him
from his appointment.-

12. Besides forwardi
the correspondence which
had passed at the time
of Kondul Row's suspensi

.61, and a report on
the Superintendent
Police on the reasons
which led to the same on
vidual's resignation
of the Police in 1861, Mr. Cadell
transmitted reports recently
received from the Assist-
ant and the Acting Sub
Collector of Tanjore bearing
upon the Tahsildar's be-
haviour.

13. In the first of these
Mr. Hope, who it appears
is in charge of the Head
Assistant Collector's office,
brought to notice two instances
of the "very negligent and
remiss manner" in which
the Tahsildar had behaved.
It came out in the examin-
ation of a cultivator charged
with concealment of cul-
tivation, that an order
issued by the Acting Sub
Collector in January 1863,
directing half the ordinary
water cess to be charged in
certain cases, had not

× dated 12th July 1864,
No. 97.

13 months later, been for-
mally communicated by
the Tahsildar to the Cur-
nums of the different
villages. This in Mr. Hope's
opinion may have been
the cause of considerable
loss to the Govt. In
another case the Tahsil-
dar was reported to have
acted in a tyrannical
and illegal manner to-
wards the same Kodu-
vasel Ramayyan already
mentioned, in having
first illegally attached
his property for non-pay-
ment of a kist not
actually due - then sent
a peon with a warrant
to demand payment, and
with instructions to quarrel
with him if he tried to
leave the village and bring
a Magisterial complaint
against

against him: Mr. Hope was of opinion that on the whole the complaint was well founded:-

14. The letter from Mr. Plumer, the Acting Sub Collector refers to a former period when he was in charge of Sheally Taluq: He speaks of Kondul Row as an active and energetic Revenue officer but very careless and remiss in his magisterial work, so much so indeed that he was, at one time on the point of reporting him as unfit to discharge the duties of a Sub-Magistrate: There was one particular case in which the Tahsildar's conduct was open to very grave suspicion:- The Kodhoodsel Ramayan already referred to had been a year and a half hiding in Karical to prevent the execution of a sentence of imprisonment passed upon him by Mr. Morris. In October or Novr. 1863 he was apprehended and taken before Kondul Row who instead of forwarding him in custody to the Joint

× dated 30th July 1864, No. 146.

Court Magistrate released him on the plea of sickness:-

15. Mr. Plumer also speaks of the Tahsildar's irregular attendance at Cutcherry as reported by Lieut. Barlow of the Police, and he corroborates Mr. Cadell's assertion, that there can be no difficulty in obtaining house accommodation in Sheally.

16. With all these facts and circumstances before them Mr. Cadell pressed the Board to reconsider their decision as it would be a mockery of justice to retain Kondul Row in the position of a Sub-Magistrate. If they would neither do that nor allow the Tahsildar to retire on his pension, he requested that

the

correspondence might
submitted for the orders
of Government.

17. Accordingly the
Board have laid the papers
before Government. In
respect to the question of
whether or no the Tahsildar
can find a vacant house
in Chcalli they are ready
to admit that the town is
a large one, but this fact
does not prove that Kondul
Row has told a falsehood.
They do not question the
truth of any fact which
Mr. Cadell brings forward,
but where he expresses an
opinion they claim a right
to form their own, and do
not feel bound to carry
out a recommendation

for the dismissal of a
Tahsildar merely because
he thinks the evidence is
sufficient.

18. They think it very
possible that Kondul Row
may exhibit a certain in=
efficiency in administering
the new Code, but considering
his long service as Tahsildar
they hold that it would be
unjust to dismiss him igno=
minously on that ground.

19. With respect to the
general charges brought
against Kondul Row since
his reemployment they do not
consider that his conduct has
been shewn to be deserving
of dismissal. The cases
mentioned by Mess^rs Pope
and Plumer are incomplete

and

correspondence might
submitted for the orders
of Government.

17- Accordingly the
Board have laid the papers
before Government. In
respect to the question of
whether or no the Tahsildar
can find a vacant house
in Chcalli, they are ready
to admit that the town is
a large one, but this fact
does not prove that Kondul
Row has told a falsehood.
They do not question the
truth of any fact which
Mr. Cadell brings forward,
but where he expresses an
opinion they claim a right
to form their own, and do
not feel bound to carry
out a recommendation

for

for the dismissal of a
Tahsildar merely because
he thinks the evidence is
sufficient.

18. They think it very
possible that Kondul Row
may exhibit a certain in-
efficiency in administering
the new Codes, but considering
his long service as Tahsildar
they hold that it would be
unjust to dismiss him sum-
mariously on that ground.

19. With respect to the
general charges brought
against Kondul Row since
his reemployment they do not
consider that his conduct has
been shewn to be deserving
of dismissal. The cases
mentioned by Mess.rs Pope
and Plumer are incomplete

and

Condul Row

1/ I have gone through these papers & find myself obliged to dissent from the Rev Board & to agree with the Collector that Condul Row is not a fit person to hold the place of Tahsildar & Sub Magistrate.

2/ On the subject of Condul Row living at Sheally, I consider that the Collector has just cause to complain of the Boards Proceedings. Mr Cadell who has been employed in the District for many years, points out that Sheally is a populous town & the Cusbah of the Taluka, that previous Tahsildars had lived in it & that Condul Row, who is a native of that part of the country could have no real difficulty in finding a house. This statement might have satisfied the Board, & it seems true perhaps that the Coll. should have been called on to adduce proof that any particular house in a large town were at the tahsildar's command to rent or purchase — An Officer who cannot provide himself with accommodation in a large town where his Cutcherry & treasury are situated, is not in a position to carry on his duties efficiently & is not fitted in my opinion for the charge of a Taluk.

3/ A perusal of these papers makes me regret that Condul Row should have been employed in the situation where he would have Magisterial duties to perform. The large size of our Presidency Talukas & the powers given by the Penal & Crim. Pro-

Codes under it essential that great care should be taken in filling the Office of Police Jr & Sub Magistrate and that the conduct of those Officers should be attentively watched - Now as Cundal Row had recently escaped dismissal from the service for abuse of authority for personal ends in 1851, when he was suspended for 6 months - and as he had since been required to leave the Police in consequence of negligence, carelessness & unsatisfactory performance of his work, his selection for the duties of a Sub. Magte was not a promising one - The papers now under consideration show how ill he is fitted for the Office - The Magte reports him ignorant of the Codes which he has to administer & proves him on the authority of his Subordinates The Jrs Plumer Hutchins & Hope to be inefficient, careless & vexatious in the discharge of his duties - This character of him is supported by the Police Officers Captn Campbell & Jr Huddleston - Nor is this all - Mr Hope's letter shows that he has again misused his authority to annoy that Ramayan for tyrannizing over whom by a wrongful committal to the Sessions Court he incurred disgrace & punishment in 1851 - The Board should not have passed over this circumstance as they have done

- I do not also consider him fit for his revenue duties - He was reprimanded in May last by the Sessions Court for carelessness in the Salt-Remittance defalcation case - Mr Hope reports another instance in which the public interests suffered by his negligence & the Board admit that he has habitually violated the Standing rule on those vital points, the custody of the Treasury keys & periodical examination of the Cash, yet they only sanction his reduction to a Taluk with a smaller salary - Such a man ought to have no magisterial power or revenue executive duties in any Taluk - He must be removed from his [illegible] but should not [illegible]

is appointed to a Sheristadarship or some mere accountant office to enable him to serve his time for pension - This however is an act of grace in consideration of his having been long in public employ - Ellis. 6 Oct 1864

Memo of principal papers. 20 Augt 64

- Captn Cox - Act Supdt of Police reports that Cundal Row was required to leave the Police force - He was careless in his work - useless as a Police inspector and failed to give satisfaction -

- Jr Plumer - Act Sub. Collr - 30 July 64 - Cundal Row was active & energetic in Revenue matters - His magisterial work was very badly & carelessly done and I was obliged to report him as utterly unfit to discharge the duties of a Sub Magistrate - His attendance at Cutcherry was extremely irregular & complaints were made to me to this effect by Jr Parlow -

- Jr Plumer alludes to Ramayan's case

Mr Hope - 12 July 64 - Dpt Collr. reports Cundal Row for negligence & remissness in carrying on his duties - for an instance of tyranny & oppression to a ryot Ramayan the same as below & for the vexatious delay which he causes to parties in cases pending before him. and for inattention to rules

In 1851 - Cundal Row was suspended by Board for 6 months on representation of Magistrate for injustice to one Ramayan. -

Mr Cadell's letter - 17 May 64 - P4 - shows that Cundal Row is ignorant of the Codes - & wrong in his magisterial decisions Opposes the Police & has been repeatedly complained against by Captn Campbell - Jr Huddleston & Jrs Plumer (2)

Tepenna Judge of Tranquebar - 3 May/64 - In the Sale
defence of case Cordal Row was severely warned
against a repetition of such carelessness as he had
exhibited - Mr Cadell says further that his
evidence was false but the Court did not attach
them -

Mr Cadell's letter 17 May/64 - Para 5 shows that Cordal Row
had been twice reduced to an inferior tahsildarship
and was dispensed with when the talukas were
reduced -

Bd Pro. 11 June 64 - Sanction his reduction to the
lowest grade of Tehsildars for wholly disregarding
the rules regarding the custody of the Treasury keys
& the periodical examination of the Treasury

Kondal Row's Case

Revenue Depart

2008

Nº. 2008.

Proceedings of the Madras Governme

Under date the 1st ~~October~~ Novem 9

39

Read the following Proceedin

of the Board of Revenue

Submitting, with remarks, letter from the Collector of Tanjore on the subject of Kondal Row's misconduct

(Here enter 23d September 1864 Nº 1280)

Submitting letter from the Collr of Tanjore stating that Tadalam Kovilies one of the main streets of Shealle

(——— " ——— 11th October " Nº —)

The correspondence submitted with these Proceedings relates to Kondul Row, at present holding the appointment of Tahsildar in the Shealli Talug, and the orders of Government are required with reference to a difference of opinion between the Collector of Tanjore and the Board of Revenue as to the retention by this office

icer of his position in the
service.

2. It appears that
Mr. Cadell had occasion to
find fault with this Tahsildar's
mode of conducting his Treasury
business, certain laxity and irre-
gularities having come to light
in a case in which some Go-
vernment monies had been ab-
stracted from a remittance re-
ceived at the Talug Cutcherry,
and that further investigation
brought to notice the fact that
the Tahsildar was not living
at his head-quarter station;
upon this he was directed to
find accommodation there
within a month, but he evaded
the order on the plea that no house
was

was available. Regarding
as simply falsehood the Col
adverting to Rondal Row's antecedent
his recent misconduct, to his incapa
city as a Magistrate, and to his annoy
noying behaviour in regard to the
Police, recommended that he should
be removed from his appointment.

3. The Board however did not
agree in the propriety of this extreme
measure, for which they thought ins
ficient cause had not been shewn,
but as the standing Rules relating
to his Treasury duties had been habi-
tually disregarded by the Tahsildar
they authorized his degradation to a
Talug of the lowest grade.

4. Thereupon ensued the corres-
pondence now before Government.
The Collector pressed his view of the
case and adduced further instances
of Rondal Row's unfitness for the
post of Tahsildar. The Board

the other hand adhered to their opinion declining to accept as facts what Mr. Cadell submitted to them as such, unless regularly proved, and observing that they could not consent to the summary dismissal of a Tahsildar of long service without conclusive evidence of his unfitness to hold the post which he had filled for many years.

5 The papers have been submitted to Government at the Collector's request, and because the Board

Board think it desirable that their opinion should be expressed on the question raised by Mr. Cadell whether when they asked for proof in respect to the charges of wilful falsehood, insolence, insubordination, tyranny and oppression brought by him against the Tahsildar he was right in making this a personal ground of complaint on the score that his word was doubted.

6. The point especially alluded to in this remark is Mr. Cadell's protestation against being called upon judicially to prove the existence of house accommodation for the Tahsildar in that officer's own kasbah. On this Government are constrained to

remark that when the Collector he has been employed in the District for many years pointed out that Shealli is a populous town and the Kasbah of the Taluq, that previous Tahsildars had lived there and that Kondul Row is himself a native of the place, the Board should have been satisfied to accept Mr Cadell's statement and not have called upon him to adduce proof that any particular houses were at the Tahsildar's command to rent or purchase. An officer who cannot provide himself with accommodation near his Cutchery & treasury so as to be in a position to carry on his duties efficiently is evidently not fitted for the charge of a Taluq.

7. In other respects also His Excellency the Governor in Council is obliged to dissent from the opinion expressed by the Board, and to agree with

12

with the Collector that Kondue Row is not a fit person to hold the place of Tahsildar and Sub Magistrate. He observes from the correspondence before him that in 1851 this Tahsildar was suspended for six months for what was styled at the time "most oppressive conduct," that in 1855 he was reduced to a Tahsildarship of lower grade, his services being finally dispensed with when the alteration in Talukas took place in 1859. That having in 1860 entered the Police he was found careless in his work and useless as an Inspector

a

and was therefore required to resign in 1864; and that in 1862 he was employed as Tahsildar of Sheadi during Mr. Cadell's absence, and under a misapprehension of the reasons which led to his resignation of the Police, the Acting Collector having been led to believe (by Hondue Row himself & apparently that it was because "he disliked the hard "work." So much for Hondue Row's Antecedents, which the Board have hardly taken sufficient notice of. His Excellency observes further that this Tahsildar has since his re-entertainment habitually violated

violated the standing rules on those vital points, the custody of the Treasury Keys and the periodical examination of the Cash, and that he is reported to be ignorant of the Codes which he has to administer; hostile towards the Police as testified by more than one Superintendent; and inefficient, careless and vexatious in the discharge of his duties as shewn in the reports of Messrs Hope and Planer.

8. The Board should not the Government think have passed over all these circumstances. It may be true that some of the cases referred to are

…e not susceptible o…
…all proof and that th…
…nquiry into offences is …
…incomplete. But …
…is impossible to regard …
…a man of the general …
…character described …
…above, and for which …
…description in the Courts …
…of Government there …
…ample and sufficient …
…ground, as fit to wield …
…the lately increased pow…
…of a Tahsildar in one …
…of the present extensive …
…Talukes. It is a pity …
…that he was ever …
…employed in a situa…
…tion where he would …
…have Magisterial …
…duties to perform. As …
…the question has come …
…before them the Go…
…vernment have …

…hesitation in directing …
…immediate Removal of …
…his Tahsildar and Sist…

The Collector will …
…report through the Board …
…of Revenue the length …
…of Kondul Rowé ser…
…vice and the pension …
…to which he would have …
…been entitled had he …
…resigned the service.

G M

185

11 Copies to the Board of Revenue with enclosures
3 — Civil Payment — Noor

Revenue 1864 Dept.
Pro: of Govt for Novr.
No 2008.

Pro: of the Madras Govt.
Dpa November 1864.

From the Coll of Tanjore
30 Sept/65 @ A 1746
Pro Board of Revenue 4/
6 Dec/64 C No 3178 viz

Ordering) Kondal Row
Tahsildar of Shealy) be
dismissed and Coll of
Tanjore to report on the
length of his service
and the pension he would
have been entitled to
had he resigned the
service.

No 9011-