

MADR RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 609	Press
160.51	~~Mis.~~
Date 9 - 3 - 1866.	

Not to be folded or roughly handled

No.

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No. 161.

Miscellaneous.

1. Copy of the letter also will be forwarded to the Acting Advocate General, who will defend the case referred to, No. 59 of 1866 on the Original side of the High Court, at the cost of Government.

2. The records of the case will be forwarded to the Advocate General, who will exercise his discretion as to their production, &c., &c.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Government Solicitor
the Collector of Kurnool
the Board of Revenue.

Exd. S. T. Augustin.

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Original sent N^o 57 of 1866.

And

James James Michie Esquire residing on the
Pantham Road within the local limits of
Madras. Defendant.

Plaint

The Relief Sought for

1. Payment of Rs. 50,000 of Rupees Fifty thousand on account of injury done to the Plaintiff stated hereunder in the subject matter of the Plaintiff's claim.

The Subject of the Claim

2 Plaintiff was appointed Deputy Collector of Hurmool in November one thousand eight hundred and sixty three and came to Hurmool as Deputy Collector in August one thousand eight hundred and sixty four having been absent on sick leave at that time and he joined his appointment at that time the

3 Prior to both [illegible] the [illegible] reported by
person recorded to the [illegible]
now than a [illegible]
[illegible] Deputy

Before this, I was, I am sure, in the most
 cheerful and sanguine state of mind. I was
 as usual, in the habit of going to the
 office, and of attending to the business
 of the day. I was, I am sure, in the
 habit of going to the office, and of
 attending to the business of the day.
 I was, I am sure, in the habit of
 going to the office, and of attending
 to the business of the day.

6 Ragonath Row had previously applied for and obtained leave but fearing lest the said Velloor Comarasawmy Moodelly would be appointed to act for him he refused to go and cancelled his leave apprehending that if the said Velloor Comarasawmy Moodelly were so appointed efforts would be made to secure him in the appointment.

7 Plaintiff prior to his arrival in Rurnool was informed that Defendant had frequently stated that Plaintiff was not an honest man and that he would not have him long in Rurnool.

8 The said Velloor Comarasawmy Moodelly had obtained the favor of the Defendant by serving him in his private affairs in various ways as for instance by building a house for him entirely or partly at his own expense.

9 On Plaintiff's arrival in Rurnool he went to the Defendant and almost the first question put to him was "Are you a relation of Narsimha Row whom I degraded from his employment?" Plaintiff replied that he was his cousin. Defendant then asked "Do you know why he was degraded?" Plaintiff answered he had heard that it was in consequence of his not pulling well with Velloor Comarasawmy Moodelly. Defendant then said "he must have been a damned blackguard to tell you so it was for his inefficiency he was reduced."

10 As Plaintiff was coming away he asked Defendant when he would administer the usual bath to him. He replied that no bath was necessary.

11 Next day Velloor Comarasawmy Moodelly told the Plaintiff that no bath was administered to him because the Defendant regarded him not as an Officer but only as a servant.

12 In June or July 1864 the Board of Revenue wrote to the Defendant asking for explanation regarding certain errors in the accounts to sent up by the said Velloor Comarasawmy Moodelly. The Defendant replied that he had no explanation to offer in the usual course of business.

13 Plaintiff then wrote a letter to the Defendant in which he stated that he was a public servant of the Government and that he was not a servant of the Defendant. He also stated that he was not a relation of Narsimha Row who was a public servant of the Government and that he was not a relation of Velloor Comarasawmy Moodelly who was a public servant of the Government. He stated that he was a public servant of the Government and that he was not a servant of the Defendant. He also stated that he was not a relation of Narsimha Row who was a public servant of the Government and that he was not a relation of Velloor Comarasawmy Moodelly who was a public servant of the Government.

14 Thereupon and in reply to the second letter Plaintiff explained in his letter dated Twenty seventh August One thousand Eight hundred and sixty four No 436 the Cause of the errors referred to in it and pointed out gross irregularities and showed that the records were then in a very disgraceful state and that Velloor Comaraswamy Modellly was responsible for the irregularity and for the state in which the records were.

15 This report of Plaintiff's ought in due Course to have been forwarded to the Board but instead of doing so the Defendant, suppressed Plaintiff's report altogether and obtained from the said Velloor Comaraswamy Modellly then Tahildar an explanation of the errors which explanation the Defendant forwarded to the Revenue Board. Contrary to the Course the Defendant himself has adopted in regard to the first report of Plaintiff.

16 The Defendant then sent written Orders to the Plaintiff to rectify the errors and stated that the information upon which he Plaintiff wrote his report must have been given him by some mischief making person and threatened that he would take early measures to remove Plaintiff's Cousin Nassimha Row to Talook thereby meaning that he would still further degrade him.

17 No further differences arose between Plaintiff and Defendant from August One thousand Eight hundred and sixty four at which time Plaintiff obtained leave of absence and no fault was found with Plaintiff's proceedings. But during this period the said Velloor Comaraswamy Modellly irregularly came to Kurnool and on the 1st of September 1864 he was informed by some persons that the Defendant visited him at Kurnool and was offering him an opportunity to remove Plaintiff and get another person in his place.

18 On the 1st of March 1865 the Defendant informed Plaintiff that the Defendant had been informed by some persons that the Defendant visited him at Kurnool and was offering him an opportunity to remove Plaintiff and get another person in his place. Plaintiff in his Plaintiff's place to remove Plaintiff to Nagapatnam then vacant.

Two days after Plaintiff gave over charge before going away on sick leave the said Velloor Comaraswamy Modellly reported to the Accountant that Plaintiff had sold the first halves of Currency Notes to some persons.

on receiving the full amount and falsely and maliciously charged that Plaintiff had purchased and sold Currency Notes on his own account.

20 This report the Defendant supported and without giving Plaintiff any opportunity for an explanation recommended to the Accountant General that Plaintiff was not fitted to have charge of a Treasury and that he should not be allowed to return to Thiruvool.

21 The Accountant General replied in substance that he did not understand what offence had been committed, and on receiving further information stated that he saw no grounds as the case stood to bring the matter to the Notice of the Government.

22 On the Eighth of November One thousand eight hundred and sixty five the said Velloor Comaraswamy Mudali, by the direction of the Defendant prepared a Memorandum under his signature and which the Defendant transmitted to Government falsely charging Plaintiff with having misappropriated the sum of Rupees six hundred and fifteen belonging to the Municipal funds of Thiruvool.

23 The Defendant irregularly and without Authority issued summonses to Merchants in Thiruvool and examined them in Plaintiff's absence and without oath with a view to establish some charge against Plaintiff the depositions so procured were reduced to writing.

24 Upon the statements so obtained and without giving Plaintiff any opportunity for explanation the Defendant wrote to the Government laying false and unfounded charges against the Plaintiff and recommending his dismissal, and that in case Government thought any further enquiry necessary that Plaintiff should as a preliminary measure be suspended. But if he were not suspended such would be the terror that he might be got to testify against him and also stating that it was through the courage of the Velloor Comaraswamy Mudali that Plaintiff

malpractices had come to light. Defendant also wrote to the Thiruvool Municipal Committee that the said Velloor Comaraswamy Mudali might be examined in his Plaintiff's place, though it was not Plaintiff's place. Plaintiff on receiving information of these proceedings protested against them and pointed out that it was all done during his absence and requested a fair and impartial enquiry at which he might be present.

26. In accordance with Defendant's suggestion Plaintiff was suspended by Order of Government dated Twenty Eighth July one thousand eight hundred and sixty five No 1761.

27 Plaintiff as directed proceeded to Rumool and on the Twenty fifth September One thousand eight hundred and sixty five reported himself to the Defendant who immediately sent a peon with verbal orders that he should wait on Plaintiff and prevent him Plaintiff from having communication with any person, which he accordingly did, Plaintiff remonstrated against such a proceeding and received in reply to his protest a letter from Defendant informing him that he sent two Peons to prevent Plaintiff from having any communication with the witnesses already examined by him the two Peons came and did as directed illegally restrain Plaintiff, Plaintiff again protested against such proceeding but ineffectually.

28 On Twenty sixth September, Plaintiff appeared before Defendant as he had been directed. Defendant first informed Plaintiff that if he did not admit the charge of Embroachment he would try him as a prisoner Criminally, which Plaintiff refused to do, being innocent of any such offence.

29 The Defendant during the progress of the enquiry prevented Plaintiff from putting such questions as Plaintiff thought necessary to the witnesses and refused to record the questions which he so overruled.

30 Against this, Plaintiff protested and his protest was disregarded he in consequence declined to take any further part in the proceedings.

31 The Defendant having caused the investigation sent the Proceedings to Government with a recommendation for Plaintiff's dismissal.

32 In view of the above charges the Plaintiff was not

by the Defendant and who have been so treated by the said

in the said proceedings the Defendant is not only guilty of partiality and bias towards the Plaintiff but also of being maliciously and

The Cause of action for having falsely and maliciously (and

that reasonable and probable Cause) charged the Plaintiff

with

with having Committed the several offences hereinbefore mentioned
and more particularly set forth in the several Letters to the
said Government hereinbefore referred to and for having Caused
the Plaintiff to be imprisoned on the Twenty fifth and Twenty
sixth days of September One thousand Eight hundred and sixty
five and for having falsely and maliciously (and without reasonable
and probable Cause) Charged the Plaintiff with having Committed
the offence of having improperly dealt in Currency Notes and for having
misappropriated the said sum of Rupees Six hundred and fifteen-

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187 Mr. Narasimha Pillai

I Moongameer Narasimha Pillai the
Plaintiff named in the above Plaint do declare that what
is stated therein is true to the best of my information and
belief.

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187 Mr. Narasimha Pillai

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D. A. 1959 of 1866.

March 16th February 1866

1866

at New York

W. W. Wadsworth, President

as

James James Wadsworth Esq^r

Plaint

From "March 11th & 1866

Wadsworth & Wadsworth

at New York

71-009-

Rev. 1866. Deput^y

24th 68th

No. 28 July 1865 24th 522

20. 8. 52 - 182-183

24 Feb 1866 - 487-488

From the Coll^y of Manus

To the Sec^y of Sec^y
Rev. Deput^y

24th 3 March 1866.
Rev.

From the Sec^y of Sec^y of Sec^y
24th 3 March 1866

Forwarding copy of
a plaint brought by the
Jamaica Plantation the
High Court against them on
account of injuries inflicted
on him in instituting the
proceedings to his conduct and
requesting him to sanction
the defence of the case
by their law officers -

24th 68th - 9 March

With an order

100-101

28 March 1866

Copy of the plaint received
and of the original of
the letter will be forwarded to
the Sec^y of Sec^y of Sec^y
as soon as possible with a
reference to the 24th 3 of 1866

Original note of the High Court
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