M.R.O. 1—33,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1341 Press ~~Mis~~

323-326

Dated 13th May ~~19~~ 1869

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 13th May 1869.

Read the following:—

No. 323. Proceedings of the Board of Revenue, dated 30th September 1868, No. 6,937:—

Read the following letter from the Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Cuddalore, 4th September 1868, No. 225.

I HAVE the honor to report on the case of Mr. Dique, Tahsildar of Cuddalore, whose suspension I reported to the Board under date the 21st December 1867, No. 335.

2. For several months previous to his suspension I had received petitions by post, charging Mr. Dique with corruption and bribery in the matter of the new License-tax; and in one of the petitions I was pressed to come out at once to the locality where he then was, (Kurinjipady,) or to send my Assistant Mr. Rice. Having a high opinion of Dique's honesty, I was very unwilling to credit the information that had reached me, and consequently I took no action on the petitions. But some weeks afterwards Dique called at my house at Cuddalore on other matters, when I told him of the petitions and the remours which were then so rife affecting his character; he seemed somewhat startled but did not reply, a silence which struck me at the time as strange. I then warned him and repeated, how great, as he knew, was the confidence I reposed in him, and how painful it was to me to receive complaints of the kind; but my remarks elicited not a word from Mr. Dique.

3. I think it was in the following July that I went to Punrooty and found Dique engaged in fixing the License-tax. I returned to Cuddalore the same evening, and on quitting Punrooty my carriage was stopped and crowds thronged me exclaiming against the Tahsildar's injustice and oppression, but I construed the demonstration as directed merely against the License-tax itself, though I afterwards discovered that in reality it was against the Tahsildar's proceedings in regard to it.

4. After this I received one or more petitions numerously signed, but of which I still took no notice except in the case of one on which I endorsed that no complaints of the kind by post would have attention, but only if personally made in open Cutcherry. Shortly afterwards, two individuals appeared before me, whose statements I took down, but they proved to be only informants, and therefore I declined further action unless those they professed to represent, themselves came forward. The informants then stated that except by summons from me no one would appear through fear; I then issued a summons which was served on certain parties, but they repudiated the correctness of the information given by the informants as regarded themselves, though I ought to mention that in the interval between the issue of the summons and the appearance of the individuals, the informants had openly avowed that my summonses had been anticipated by Mr. Dique's friends, that my proceedings had been watched, and that the parties had all been tampered with, and had been repaid or been promised repayment of all they had given to the Tahsildar. The denial by the individuals in question determined me, however, to move no further in the matter, and I intimated this, when it was urged by the informants that all they had stated was strictly the truth, and that my refusal to further investigate their information, laid them open to the charge of lying, and they, therefore, pressed on me at all events to take up the charge of tampering with the persons already examined, and which they declared they were ready and able to

prove by witnesses whom they simultaneously named. I declined to do this, and added that I would hold no further inquiry unless the parties actually interested, personally appeared and laid their complaint; and persisting in this resolve, the informants went away. Two or three days after, while engaged with other matters in my office, some people presented themselves and stated that they wished to complain against the Tahsildar Mr. Dique; on questioning them verbally I found their complaints related to bribery in connection with the License-tax. I thereupon sent for the Tahsildar, who was in his Cutcherry, and on his appearing I told him the cause of my verbal summons, and I pointed out the persons in Court who had then only just come to complain against him, adding that I had refused to hear any actual charges against him except in open Cutcherry and before himself. I then proceeded to the examination of the parties in the Tahsildar's presence, and thus began the first case against him, the inquiry into which was continued by me and eventuated in the committal to the Sessions Court of Dique and two other prisoners, the Revenue Inspector and a Gumastah who had been employed and were charged as the instruments or go-betweens and the aiders and abetters of their principal, the Tahsildar.

5. The Register of preliminary inquiry of this case marked A accompanies this letter, and also the remarks of the Sessions Court extracted from the Calendar marked B, from which the Board will gather all needful information as to the character of the preliminary inquiry before me, and the final acquittal of the accuseds by the Sessions Court.

6. I am tolerably conversant with the nature of evidence in this country, and I fancy I am equally able, from my long experience, to appraise its value; and entering, as I did, on the investigation, quite impartially, but with a bias, if any, in favour of Mr. Dique, the Tahsildar, I do not hesitate to declare that stronger and more conclusive proof of an offence was never recorded before any tribunal, and I never took down depositions so damnatory and so irresistibly conclusive of guilt, as those which it was my painful duty to record in this case against the Thasildar.

7. The Record is available to the Board should they desire it, and therefore it would needlessly occupy time to add more to the opinion I have just given, but I will merely follow the case for a moment to the Court. The Board will be aware that the disposal of the case was within my own jurisdiction as Magistrate, but from the first I decided that, if proved, I would send it to the Sessions Court, as a provision in the Criminal Law gave me that option, while this course relieved me from the painful duty of convicting and sentencing to punishment, a public servant whom I had myself placed in the position he then held, and who for one or two years had occupied the post of Head English Clerk in my office; and thus a natural dislike to passing sentence on any one was peculiarly strengthened in this instance, for I cannot imagine a position more painful than that of having to convict, and send to Jail, a man who had long been a sort of confidential subordinate, and whom I had been accustomed to treat with every courtesy and consideration. I, therefore, felt a peculiar delicacy in dealing with the case, and I was very thankful that the law admitted of my committing it to the Court.

8. The grounds of final acquittal will be found in the Court's remarks B, already quoted, but it is, I submit, a very imperfect and incorrect summary of the

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trial, and the remarks of the prisoner's Counsel, Mr. Miller, a Madras Barrister, are wholly unnoticed, and they received none whatever at the hands of the Judge when addressing the Assessors. Those remarks indicated Mr. Miller's real opinion of the case against the prisoners (his clients) and were in reality declaratory of the weakness of the defence, and of the damnatory character of the evidence for the prosecution; and if I were rightly informed, the aim of the Counsel's pleading was rather for mitigation of punishment than with the hope of an acquittal. But the Court in the exercise of its undoubted discretion disbelieved the evidence, because too good and congruous, and discharged the accused.

9. At the time this first case was pending trial, another charge had been preferred before me in open Court against the Tahsildar and the village Monegar of Kurinjipady, but I had deferred the inquiry until the final disposal of the previous commitment. I then formally entered upon this second case, notifying to the accused that my inquiry would be as before under Chapter XII. of the Procedure Code, and that I had no intention, in the event of proof, to pass sentence myself, but, as in the previous instance, the case would be sent for trial to the Sessions Court.

10. This second charge was very much the same as the first, but the circumstances attending it were very different, and the scene of the occurrence constituting the offence was also quite distinct.

11. The Calendar of the preliminary inquiry held before me, and the remarks of the Sessions Court, are enclosed for the Board's information. From the former it will be seen that the second prisoner in this second case was admitted by me as an approver, on the grounds which will be found detailed in the paper marked E, and to which I solicit the Board's close attention.

Marked respectively C. and D.

12. In the exercise of its discretion, the Court threw out this second case on the grounds of disbelief of the evidence and alleged inconsistencies and discrepancies, and the accused was acquitted: and of course it is not my province here to analyse the grounds for this verdict, however I may differ from it, and however prepared I may be to disprove the arguments set forth in the Calendar in its support.

13. Immediately connected with this case, and very soon after the charge was laid, but before the inquiry had commenced, the prosecutor, Veerasawmy Reddy, in company with one Mootoo Sadasiva Reddy, produced before me Rs. 250, which he stated on oath, in the presence of some hundreds of people, had been offered to him by a third party, a merchant of Kurinjipady, in satisfaction of the sum paid to Mr. Dique by himself (the prisoner and others) if he would withdraw or back out of the prosecution; but there was nothing to bring home conviction to the parties actually interested in this overture of hush money, and consequently there was no case for formal trial. But the fact may reasonably be accepted as tolerably conclusive, at all events of the truth of the substantive charge of bribery made by the prosecutor, for it is clear that no third or disinterested person would have incurred the certain loss of so large a sum for an uncertain issue, and when if there had been any corrupt or improper by-play, a far less amount would equally have sufficed for the object. Besides, the way this money was brought forward,

and the absence of all attempt by false evidence to support the payment as from those interested in paying it, affords *prima facie* inference of the truthfulness of the story, and of course since Mr. Dique's name was not introduced in connection with it, there was nothing tangible by which to connect the affair with the direct charge for which the Tahsildar and his accomplice, the Monegar, were about to stand their trial.

14. There was still a third charge of a like kind brought against the Tahsildar of Cuddalore, and I had wished to avoid inquiry into this, but the individual who preferred it more than once pressed for an investigation, and when at Trikalore I resolved to refer the complaint for preliminary inquiry by the Acting Superintendent of Police, first, because of the distance I then was from where all the parties resided, and, secondly, that the investigation might be wholly impartial. Satisfactory evidence was not forthcoming, and the Police failed to elicit anything in proof of the charge, and the complaint was therefore dismissed on the report* of the Superintendent.

* 25th June 1868.

15. Intermediately there had been a separate complaint against a villago Moonsiff and others for collecting sums on account of the License-tax at Kurinjipaddy, in the course of which accounts were put in, containing entries of payment on account of the Tahsildar, mentioning the name of Mr. Dique as the Officer. But Dique was not an accused party in the case, as those complaining stated that they paid the money to the Moonsiff and others, and, therefore, looked to them for redress, although one and all allege their belief at the time, that the money was for the Tahsildar, and some of them state it as a fact. But I think it as well to forward to the Board, a copy of all the examinations taken in this case as illustrating the general mode adopted where Talook Officers have stooped to acts of the kind for their own pecuniary aggrandizement; and the examination of the Moonsiff Appavoo Padiachy, of Velliancoopum, is deserving of attention, and however it is to be received with mistrust from the clever evasion of his own part in the matter, I believe it is a true picture of the *modus operandi* ordinarily resorted to.

16. After the result in the two trials before the Court, I could not feel justified in convicting the Moonsiff, whose guilt, if any, was in my belief very subordinate to that of the Talook Officers, under whose instigation and influence he had acted, and though I at first suspended the Moonsiff, I have dismissed the charge as not proven.

17. In reviewing all that has passed affecting the Tahsildar, Mr. Dique, I am unable to divest my mind of a very clear conviction of his guilt. In fact, it is hardly necessary to say this, since had I considered him otherwise than guilty in the charges on which I committed him to the Court, such committal would not have taken place, and had I myself finally disposed of those cases, it is unnecessary to add that his conviction and punishment would inevitably have followed, so satisfied was I, and am I still, of the perfect truth of the evidence. The improbabilities suggested by the Court as surrounding the evidence in the first of the two cases (see paper B) on the contrary favour a belief in its credibility since if the story given by the witnesses was concocted it was quite easy and more rational to have

concocted one free from those improbabilities which have been regarded as fatal to its acceptance and the night time, and all those attendant circumstances so carefully to be thought of in such transactions, might have been as readily worked up and proved as the actual facts now standing on the record; and it may be argued, that where a story is got up, improbabilities are carefully avoided, and there is usually some defect or some break down in untruthful and collusive evidence which exposes its character; but in the first case under notice, it is the wonderful consistency and astonishing powers of memory exhibited by all the witnesses that is the objection and the grounds of disbelief in their testimony, and this after the witnesses had been subjected by the Counsel (a Madras Barrister) to the strictest and most searching cross-examination. Had their evidence broken down under such severe testing, then it would have been rightly that the evidence did not stand cross-examination, and that there were consequent discrepancies, etc., which precluded its acceptance, but it is its congruity and consistency, despite all the attempts made to break it down and confute it, that are alone stated to be the obstacles to its reception; and because, in the Judge's opinion, it was improbable that the Tahsildar would have acted as described, the evidence and all the corroborative facts so conclusively sustained are discarded, and the witnesses virtually adjudged to be the perjurers. I am not calling in question the perfect freedom and liberty of the Court, but I am compelled into these remarks in my own justification, and as the Committing Officer, because I firmly maintain that there never was a case submitted for trial more clearly and satisfactorily proved and established on every point.

18. As regards the second case, I am equally of opinion that the proof was ample, and though part of the evidence may have been open to exception, its substantial truth and accuracy was corroborated by the testimony of the approver and other undoubted features. But I do believe that the approver did not tell all the truth or all that he knew, but what he did tell was the truth so far as it went, and this was quite enough for the purposes of this particular trial; so that the charge against the Tahsildar was, I consider, satisfactorily established. In this case, the arguments for discrediting the evidence are precisely the opposite of those on which disbelief in it was founded in the first case. Here it is not the congruity and consistency, but the want of these qualities which is urged in objection to its acceptance, and the discrepancies in the statements of the witnesses precluded the admissibility of their testimony. The Court further expresses the opinion that the case was concocted probably by the approver and the sixth witness, though the grounds for this are not stated, and lastly, the improbability that the accused (Tahsildar) would have acted as described is again advanced as a potent objection to a belief in the charge.

19. All I have to say is, that the sixth witness is a very large landed proprietor, and as far as my knowledge goes, a man of respectability and position, and beyond mere assumption, there is nothing on record to bear out the Court's remarks reflecting on this man, and the delay noticed by the Court in the production by him of certain documents was quite accounted for to my satisfaction. Moreover, I never heard before of the rejection of an approver's evidence without further notice, and it seems to me that if his statement were concocted and false as imagined, the

Court was bound to have committed the man agreeably to Section 211 of the Code of Criminal Procedure, but nothing of the kind was done.

20. I repeat, that I am not questioning the Court's perfect liberty to throw out the case, but the exercise of that liberty does not impose on me the necessity of acquiescing in its decision, and as the Committing Officer, my own judgment is called into question as well as my ability to appreciate evidence, of which I have had no little experience, and as an acquittal by a Court does not necessarily carry with it a declaration of innocence, but merely that in the Court's belief the charge was not legally proved, so it is incumbent on me to dissent from the Court's verdict and to uphold that view of the facts and evidence which I took as the Committing Officer at the original trial.

21. It may not be strictly to the purpose to refer to the surprise of the public and of the Counsel employed at the result in both cases, but it is not unimportant to mention the fact, because from the position held by the accused, a more than ordinary interest was excited in the issue, and that in both cases that issue was contrary to the evidence and to truth, was the prevailing opinion.

22. As the question of Dique's re-employment still remains to be decided, and his acquittal by the Court does not in itself necessarily determine that question, but indirectly it rests with myself subject to the ratification of higher authority, I have been compelled, however reluctantly, to make the foregoing observations and comments on the Court's treatment of the evidence in support of the charges against Mr. Dique; and when I take into consideration the grounds recorded for both the acquittals, I am unable to acquiesce in their correctness or soundness, and hence I remain of opinion that the late Tahsildar is guilty of the charges in both instances forming the subject of the trials before the Court, and although legally acquitted I consider that he is unworthy of further confidence and certainly with my knowledge of all his doings, and of the incensed feelings of the people, which for some time were very strong against him throughout the talook of Cuddalore, I cannot think that he ought to be re-employed in the public service merely on the ground of such legal acquittals.

23. My disappointment in Mr. Dique has been very great; it was I who raised him to the high post of Tahsildar, placing him at the time over the heads of several previously passed Candidates, and before he was qualified under the Rules, I had more than once conditionally nominated him. I was anxious to advance his class, and he well knew this, and also my interest and confidence in himself; but in place of respecting that interest and confidence, he has, to my great regret and disappointment, grievously abused it, and it has been the rock, as it were, on which he has made shipwreck of his once bright prospects.

24. The attempts made by his wife to obtain interviews with my family during the inquiry, and the letters written by her and those received by me by post, *F, copies* of which are enclosed, speak for themselves. They are, of course, no evidence in any way or to anything, neither have I any proof of their authorship, but of their inspiration and source I do not suppose any question could exist. They were read by me in open Court and placed with the record of the case as the only

proper place of deposit and custody, but I hope the Board will not imagine that these abusive papers have in any way influenced me. Had I been prejudiced against Dique, or had I wished to see him convicted and punished, the power was in my hands, but I was too glad, as already stated, that the Law left the exercise of that power optional with me, and in both cases I availed myself of it.

25. I am still very willing to bear testimony to the ability which Mr. Dique has always performed his duties. But for my belief in this qualification I would not, of course, have appointed him. I have now, however, lost all confidence in his truthfulness and integrity of character, and after all that has taken place in connection with the two trials and in view of the rumours so notorious and widespread throughout, I may say, the whole district, I consider that he has forfeited all claim to re-employment.

26. In the case of the late Salt Superintendent of Merkanum, with which the Board will be familiar, although the sentence of the Head Assistant was quashed in appeal because not borne out by the evidence, and although it was shown by an after ruling of the High Court, that a grave injustice had been done to the man by refusing to allow the cross-examination of certain witnesses, yet the Government have refused to extend any consideration to Basheca Charloo, and have publicly denounced him as unfit again to hold public employ.

27. I submit that the evidence on which the Salt Superintendent was originally convicted by my Head Assistant will bear no comparison with that adduced in these cases against the Tahsildar. My committal of the latter Officer is equivalent to the conviction of Basheca Charloo by the Head Assistant, and the cancellment of that conviction on the grounds on which it rested, as much, and with more reason, entitles Basheca Charloo to consideration and re-employment, than do the acquittals by the Sessions Court in the case of Mr. Dique; and my endeavours on behalf of the late Superintendent having entirely failed of success,* and Government having adhered to their decision prohibiting his re-entertainment in the public service, I am not prepared from any point of consideration in the case of the late Tahsildar, to support his prayer for reinstatement, and however painful it is my duty in the interests of the public, and as an example to other Officers of the same grade, and an example is in my opinion greatly wanted, I recommend that Mr. Dique be declared inelligible for Government service, having shown himself unworthy of confidence or trust; and were I not perfectly convinced in my own mind of his guilt, and to a far greater extent than has been developed in the cases brought under public notice, I might have hesitated in making a recommendation so altogether fatal to Mr. Dique's prospects, but with the conscientious convictions I have, I must not shrink from maintaining them, and I am of opinion that the trials themselves have disclosed ample materials on which to pronounce the late Tahsildar unfitted to be again employed, and I make my recommendation accordingly, leaving it to the Board to finally decide the question.

* *Vide* Proceedings of Government, April 1868, No. 939.

28. Mr. Dique's petition to the Board, No. 2,357 of 1868, dated 28th July 1868, is herewith returned, his case having now been reported on as required.

Enclosure No. 1.—Petition.

Enclosure No. 2.—Depositions.

Enclosure No. 3.—Registers of Preliminary inquiry.

Enclosure No. 4.—B.

Session Case No. 4 of 1868.

Column 7.

The three prisoners before the Court are charged as follows :—

First Prisoner Francis Dique.

1*st*.—With taking a gratification other than legal remuneration in respect of an official act.

2*nd*.—With committing extortion.

3*rd*.—With abetting the commission of extortion.

Second Prisoner Soobramonia Pillay.

1*st*.—With taking a gratification other than legal remuneration in respect of an official act.

2*nd*.—With abetting for another a gratification other than legal remuneration in respect of an official act.

3*rd*.—With committing extortion.

Third Prisoner Vencatasawmy Naidoo.

1*st*.—With taking a gratification for himself, other than legal remuneration as a reward for rendering a service with a public servant, etc.

2nd.—With taking a gratification for the exercise of personal influence with a public servant

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The evidence against all the three prisoners is the same, and consists chiefly of the statements of the five witnesses examined both before the Magistrate and this Court, supported by that of the three other witnesses who have now been produced.

2. As against the third prisoner the evidence only goes to show that about 5 P. M. on the evening of a certain day about five or six months' since (and on the same day that the bribes are stated to have been paid to the first and second prisoners) the first witness paid also to him, third prisoner, the sum of Rupees 10 *outside* the compound attached to the Travellers' Bungalow at Punrooty ; this it will also be observed was *after* the amount of the License-tax had been finally settled and reduced, and there is literally nothing to show that the third prisoner exerted himself in any way to obtain the reduction of the tax or at all interested himself in the matter. The only intercourse that took place between this prisoner and the witnesses was on both occasions outside the compound, and although present in the "*interim*" with the second prisoner (and whom he accompanied to Varatta Chetty's house) there is no evidence to show that he, the third prisoner, had any communication with the Licensing Officer, the first prisoner, or that he took any part whatever in inducing the first prisoner to lower the tax.

3. As regards the evidence against the first and second prisoners, the statement of the five witnesses are remarkable not only for their wonderful consistency but for the astonishing powers of

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memory exhibited by these witnesses after a lapse of so many months, the evidence of the fifth witness in particular, and who, it is especially to be observed, was by his own admission only an on-looker and had no concern whatever in the matter, was not only notable for its *minutiæ* but for the way in which it was acted as well as spoken.

4. If credence is, therefore, to be given to these statements, we are called on to believe that about 2-30 P. M. the Tahsildar, the first prisoner, received the sum of Rupees 50 wrapped up in a paper while standing at the front-door of the Punrootty Travellers' Bungalow in the presence of all of the five witnesses and also of the second prisoner. The latter is also stated to have received his money half way between the Travellers' Bungalow and a small Bungalow used as the Cutcherry, a few minutes afterwards.

5. It is further stated that after the second prisoner had come out to meet the first and fifth witnesses in a small shed in the flower garden, to ascertain that all was right, the first prisoner deliberately left the Cutcherry for the other Bungalow accompanied by the second prisoner, and returned very shortly after to the Cutcherry after the payment of the money.

6. There would thus appear to have been no concealment in the payment of the money, and on the contrary, it could not perhaps have been done more publicly ; for it must be remembered the very imposition of this new tax had caused a great deal of dissatisfaction among the people, and the hour of day at which the bribes were stated to have been given was that at which a Tahsildar's office usually is crowded. There is also another fact deserving of attention in the return given by the first witness ; he represents himself as liable only to taxation in the sixth class, namely, Rs. 4, while the first prisoner actually assesses him at Rupees 10, yet the first witness makes no objection and presents no review petition.

7. As to the evidence which has been adduced for the defence, the Collector, Mr. Reade, has willingly borne witness that till lately the first prisoner has borne an excellent character, and as regards the prisoners generally it has been attempted to be shown that the first, second, and fourth witnesses could not have acted as they were stated to have done, inasmuch as they were seen the whole of one afternoon not to have left the place where the five witnesses for the defence saw them. The memory of these witnesses is, however, quite as remarkable as that of those for the prosecution.

8. Such then are the facts of the case as they have been put before you by the prosecution and the defence, and it is for you, on a careful deliberation of all the circumstances which have now been placed before you, to state whether, in your opinion, you consider one or any of all of the prisoners guilty or not guilty of one, or any, or all of the charges that have now been brought against them.

9. With regard to the charge of extortion, it is to be observed that there is nothing in the evidence to show that any threats or restraint were made use of such as would constitute a charge of extortion against any of the prisoners, but on this also you are called on to state your opinion.

(Signed) W. M. CADELL,
Acting Session Judge.

Enclosure No. 5.—Register of Preliminary inquiry.

Enclosure No. 6.—D.

Session Case No. 26 of 1868.

In this case as in a similar one tried in last Sessions, the prisoner, Francis Dique, Tahsildar of Cuddalore, is charged with having taken, in his official capacity, bribes or moneys other than legal remuneration, secondly, with extortion, and third, with instigating another to commit extortion.

ENCLOSURE No. 1.—Petition.

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ENCLOSURE No. 4.—B.

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THE evidence against all the three prisoners is the same, and consists chiefly of the statements of the five witnesses examined both before the Magistrate and this Court, supported by that of the three other witnesses who have now been produced.

2. As against the third prisoner the evidence only goes to show that about 5 P. M. on the evening of a certain day about five or six months' since (and on the same day that the bribes are stated to have been paid to the first and second prisoners) the first witness paid also to him, third prisoner, the sum of Rupees 10 *outside* the compound attached to the Travellers' Bungalow at Punrooty ; this it will also be observed was *after* the amount of the License-tax had been finally settled and reduced, and there is literally nothing to show that the third prisoner exerted himself in any way to obtain the reduction of the tax or at all interested himself in the matter. The only intercourse that took place between this prisoner and the witnesses was on both occasions outside the compound, and although present in the "*interim*" with the second prisoner (and whom he accompanied to Varatta Chetty's house) there is no evidence to show that he, the third prisoner, had any communication with the Licensing Officer, the first prisoner, or that he took any part whatever in inducing the first prisoner to lower the tax.

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5. It is further stated that after the second prisoner had come out to meet the first and fifth witnesses in a small shed in the flower garden, to ascertain that all was right, the first prisoner deliberately left the Cutcherry for the other Bungalow accompanied by the second prisoner, and returned very shortly after to the Cutcherry after the payment of the money.

6. There would thus appear to have been no concealment in the payment of the money, and on the contrary, it could not perhaps have been done more publicly ; for it must be remembered the very imposition of this new tax had caused a great deal of dissatisfaction among the people, and the hour of day at which the bribes were stated to have been given was that at which a Tahsildar's office usually is crowded. There is also another fact deserving of attention in the return given by the first witness ; he represents himself as liable only to taxation in the sixth class, namely, Rs. 4, while the first prisoner actually assesses him at Rupees 10, yet the first witness makes no objection and presents no review petition.

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9. With regard to the charge of extortion, it is to be observed that there is nothing in the evidence to show that any threats or restraint were made use of such as would constitute a charge of extortion against any of the prisoners, but on this also you are called on to state your opinion.

(Signed) W. M. CADELL,
Acting Session Judge.

ENCLOSURE No. 5.—Register of Preliminary inquiry.

ENCLOSURE No. 6.—D.

Session Case No. 26 *of* 1868.

In this case as in a similar one tried in last Sessions, the prisoner, Francis Dique, Tahsildar of Cuddalore, is charged with having taken, in his official capacity, bribes or moneys other than legal remuneration, secondly, with extortion, and third, with instigating another to commit extortion.

2. In the present case the evidence is supported, but certainly not strengthened, by the statements of an approver, and if the statements of a witness of this nature are, under ordinary circumstances, to be accepted with the greatest care and circumspection, it must necessarily follow that when these are not only unsupported but actually falsified by other evidence, they cannot for a moment be considered deserving of any credibility.

3. The specific charge now brought against Mr. Dique is that, on a certain day in June 1867, he received the sum of Rupees 85 from several individuals on account of some favor shown, or to be shown, to them in the matter of the licensing tax.

4. Of this sum Rupees 50 is said to have been given by one Venkatasawmy Chetty.
Rupees 20 by one Veerasawmy Reddy.
" 5 by Vythee Moodelly.
" 5 by Mootia Moodelly.
" 5 by Seeneevassa Naick.

5. Regarding the payment of the sum of Rupees 50 by Venkatasawmy Chetty, there is, with the exception of the statement of the approver, simply no evidence whatever. The other witnesses who are stated to have paid the remaining sums, however, all swear that they did so, and in proof of their having done so, they produce certain documents, as if they had received loans for the very purpose, all on one particular day. These loans were, it is said, all obtained from the sixth witness and who it is particularly to be observed is a dismissed village Officer (Munsiff.) The stamped papers on which the documents are drawn out are on stamps purchased some as far back as two years before, and the manner of their production before the Collector shows that they are open to the greatest suspicion. In his deposition before the Collector on the 31st January, this witness expressly states that he would produce the documents either that night or on the morrow, and that he had brought them with him, but instead of doing so, it is in evidence that he (sixth witness) did not produce them till the 4th February, and then apparently with reluctance, for the Collector in his examination expressly states that he (the Collector) had at this time to send for this witness once or twice.

6. Again, it is clear from the statement of this witness that he is a trader in Indigo, and that he has not hitherto paid any License-tax; it is, therefore, contrary to all probability that while evading the tax himself he should have himself come to the Cutcherry not only assisted others in evading it, but actually present himself before the Tahsildar and be permitted to be an eye-witness to these alleged illegal proceedings.

7. Further, the first witness and the approver only coming by the private entrance from the place where the Cutcherry was held, to the place where the Tahsildar was putting up, while the other witnesses, who are stated also to have witnessed the payment of the money, came round by the outside; (by the way by which the Tahsildar himself had come,) seems to me wholly incredible.

8. Moreover, the approver states that the conversation regarding the amount of consideration to be given by the parties for being permitted to evade the tax, was directly between the Tahsildar himself and the parties who paid the money, while these parties as expressly swear, that the approver was the person who alone conducted the negotiations, and to whom they were themselves expressly referred by the Tahsildar.

9. Again, the first and second witnesses state before the Collector, that the money was paid to the Tahsildar towards evening, while before the Sessions Court they expressly state, and as it would seem to have been afterwards arranged by the other witness, the payment took place at noon.

10. And lastly, and apart from all the foregoing reasons, it is simply incredible to believe that any person in the position of Tahsildar and in the possession of his senses would allow a bag to be handed in open Cutcherry for the collection of his illegal imposts, and, further, having done so, that he would permit the payment to be made to himself in his apartments and in the presence of no less than three eye-witnesses.

Proceedings of the Madras Government, Revenue Department, 13th May 1869.

11. I cannot, therefore, but conclude that the present charge is utterly false and groundless, and that the evidence by which it has been attempted to be supported has been got up and fabricated, and in all probability by the approver and the sixth witness.

(Signed) W. M. CADELL,
Acting Session Judge.

ENCLOSURE No. 7.—Memorandum.

ENCLOSURE No. 8.—Copies of letters read in open Court.

THE Collector will submit, duly certified copies, of the evidence taken both before the Magistrate and the Sessions Court.

No. 324. Proceedings of the Board of Revenue, dated 20th November 1868, No. 8,210.

Read the following letter from the Acting Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Tindevanum, 3rd November 1868.

With reference to the Proceedings of the Board, dated 30th September 1868, No. 6,937, I have the honor to forward copies of the evidence taken before the Magistrate and the Sessions Court, respecting the charges of corruption and bribery brought against Mr. Dique, suspended Tahsildar of Cuddalore Talook.

ENCLOSURES Nos. 1 to 4.

ABSTRACT.—Copies of evidence taken before the Magistrate and Sessions Court.

THE Board have carefully considered the Collector's letter recommending that the Tahsildar should not be re-employed in the Public Service, notwithstanding his acquittal by the Sessions Court, on the ground that he is unworthy of the confidence formerly placed in him by the Collector.

2. The Board have also perused the evidence, in both cases, before the Magistrate and before the Court, and are not prepared to deprive Mr. Dique of the full benefit of the unqualified acquittal of the Sessions Court.

3. Mr. Dique will accordingly be restored to his post, with payment of the usual allowances sanctioned under the Rules for Officers under suspension; but the Board deem that it is expedient to transfer Mr. Dique to another Tahsildary, the substantive salary of which, is equal to that which Mr. Dique held up to date of suspension.

No. 325. Proceedings of the Board of Revenue, dated 26th April 1869, No. 2,796.
Read Petition No. 816 of 1869.

Read again Board's Proceedings, dated 30th September 1868, No. 6,937, and of 20th November 1868, No. 8,210.

Proceedings of the Madras Government, Revenue Department,
13th May 1869.

Mr. Dique, Tahsildar of Cuddalore, was suspended on the 21st December 1867 on suspicion of bribery and corruption in connection with the License Tax. He was committed for trial, but acquitted by the Sessions Court. The Collector remained convinced of his guilt, but the Board after reviewing the records of the case did not share this conviction and ordered Mr. Dique's restoration to office, though in a different talook. He was reinstated on the 16th December 1868, after being suspended for eleven months and twenty-five days.

2. The Board reinstated Mr. Dique because they were of opinion that his innocence was established. They therefore see no reason why full pay for the period of suspension should not be granted to him

3. They accordingly resolve to request Government to sanction payment of Rupees 2,192-6-0, being salary at the rate of Rupees 225 per mensem, minus the fourth which Mr. Dique has already received as subsistence allowance.

No. 326. Order thereon 13th May 1869. No. 1,341.

Miscellaneous.

Sanctioned, Rupees 2,192-6-0.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant-General.

Exd. E. C. Shunker.

Copy to the Accountant General.

REVENUE.

To

THE BOARD OF REVENUE.

Dated May, 1868.

Read &c.,

Exd.

G. O., 13th May, 1868, No. 1,311.

MAY.

Nos. 323-328.

Mr. Dique, Tahsildar in South Arcot.—Salary for the period he was suspended in connection with the charge of bribery, sanctioned.

No. 8,210.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th November 1868.

Read the following letter from J. R. ARBUTHNOTT, Esq., Acting Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Tindevanum, 3rd November 1868:—

WITH reference to the Proceedings of the Board, dated 30th September 1868, No. 6,937, I have the honour to forward copies of the evidence taken before the Magistrate and the Sessions Court, respecting the charges of corruption and bribery brought against Mr. Dique, suspended Tahsildar of Cuddalore talook.

ENCLOSURES Nos. 1 to 4.

ABSTRACT.—Copies of evidence taken before the Magistrate and Sessions Court.

THE Board have carefully considered the Collector's letter recommending that the Tahsildar should not be re-employed in the Public Service, notwithstanding his acquittal by the Sessions Court, on the ground that he is unworthy of the confidence formerly placed in him by the Collector.

2. The Board have also perused the evidence, in both cases, before the Magistrate and before the Court, and are not prepared to deprive Mr. Dique of the full benefit of the unqualified acquittal of the Sessions Court.

3. Mr. Dique will accordingly be restored to his post, with payment of the usual allowances sanctioned under the rules for officers under suspension; but the Board deem that it is expedient to transfer Mr. Dique to another Tahsildary, the substantive salary of which is equal to that which Mr. Dique held up to date of suspension.

(A true Copy and Extract.)

(Signed) F. BRANDT,
Acting Sub-Secretary.

To the Acting Collector of South Arcot.

Copy to the Accountant General.

Exd. J. Wright.

Confirm the Pro of the Bd of Rev to the Govt Order dated 26th Feb/69 No 2196.

BOARD OF REVENUE, MADRAS.

1868.

PROCEEDINGS, 20TH NOVEMBER 1868, No. 8,210.

Rev-1371/69

Encl.

Received

NOVEMBER.

No. 8,210.

Mr Dique, suspended Tahsildar of Cuddalore—in South Arcot District,—to be restored to his post, with payment of usual allowances sanctioned for officers under suspension, and transferred to another Tahsildary.

No 74

To The Tahsildar of Endreamun

order.

In reference to Mrs Dejue's application to the Treasury Officer to be paid his full salary during the period he was under suspension the Collector is of opinion that Mrs Dejue has received all that he is entitled to namely one fourth of his future allowances - The Collector is further of opinion that this is all the Board of Revenue intended should be paid to Mrs Dejue unless the difference has been paid to the Officer who performed the duties of that post, the payment of any further salary must have the sanction of Government as an extra charge to the State, and the Collector declines to make any such recommendation.

Chengama
25th January 1869

Colin Mackenzie
Collector

To

The Honorable the President and
the Members of the Board of Revenue
Madras.

The humble petition of
Francis Digue, late
Jasildar of Addalore
and at present Jasildar
of Tindivanam in the
District of South Arcot.

Respectfully Sheweth.

That your petitioner, having been suspended on the 22d December 1867 pending his trial on certain charges preferred against him, was, after his full acquittal on these charges, restored to office by your Honorable Board in Proceedings dated 26th November 1868, No. 8210

2. On the 11th December 1868 your petitioner received an order from Mr Reade, the Collector, directing him to assume charge of the Taluq of Tindivanam from the 16th December 1868; your petitioner did so, and from that date reverted to his full pay.

3 On the 17th January 1869 your petitioner submitted to the Deputy Collector in charge of the Treasury a Bill for his arrears of pay for the time he had been under suspension. Viz from the 22d December 1867 to the 15th December 1868, both days

days inclusive, or in other words for 11 months and 25 days, to which arrears of pay, under the provisions of Your Honorable Board's order above quoted, Your petitioner thought himself entitled. Your petitioner received no reply from the Deputy Collector, but on the 31st January 1869 he received the enclosed letter No. 74, dated 25th January 1869 from Mr. Reade, the Collector, in which that officer states his opinion that, having been paid his one fourth Salary as Subsistence allowance, Your petitioner had received all he was entitled to, and that he (the Collector) would not make any recommendation which would involve an extra charge to the State.

4. Against this decision of the Collector Your petitioner now appeals to your Honorable Board. The rules passed by the Government of India, regulating the allowances of Uncovenanted Servants under Suspension from, and on their restoration to, office are laid down in your Honorable Board's Circular Order No. XVIII of 1866, Proceedings dated 29th June 1866 No. 4448. Under para 2 of this Order full Salary may be given to an officer reinstated after full acquittal. See para 2 of Proceedings No. 8210 it is stated that the Board are not prepared to deprive Mr. Digues of the full benefit of the unqualified acquittal of the Sessions Court. See para 3 of the same Proceedings Your Honorable Board direct Your petitioner to be restored to his post with payment of the usual allowances

Sanctioned.

sanctioned under the rules for officers under sus-
-pension ; ruding these 2 paras by the light of
Circular order No. XXVII of 1866, your petitioner
thinks that it was intended by your Honorable
Board that your petitioner should receive his
arrears of pay in full. It is true that your peti-
-tioner was directed to be transferred to another
Tasildary with the same pay, but your petitioner
does not think that this implied Censure, or that
such transfer was meant to operate as punish-
-ment because Your Honorable Board have
given him the full benefit of the unqualified
acquittal by the Court. Your Honorable
Board however have distinctly stated that
his transfer was simply expedient, and if it was
intended as a Censure it would have been so
expressed not left to be conjectured & implied.

5 There are moreover precedents on this
subject. Your petitioner will cite the cases (1) of
the Sub Magistrate of Mannargoody who like
your petitioner was arraigned and tried and
acquitted of similar charges, and he was restored
by the Collector with the full arrears of pay though
transferred to another post ; and (2d) of Soma-
-soondra Mudaliar, Tasildar of Madura, finally
disposed of in Board's Proceedings dated 11th
August 1868 No 5,837. His case is analogous to that of your
petitioner

petitioner: in that that he was also ordered to be transferred to another Subsidary, like in the Case of your petitioner because Your Honorable Board Considered it to be expedient: and Somasoondra Mudaliar was granted his full pay.

6. Your petitioner ventures to state that although he was acquitted of the second and last Charge on the 3d March 1868 and was after that day not called upon to answer any other Charge, yet the Collector's report in your petitioner's Case was not made until the 4th September 1868 or 6 months after, and your petitioner most respectfully submits that had this report been made immediately after the acquittal, the decision Come to by your Honorable Board on the 20th November 1868 would have been the same and arrived at earlier, and thus your petitioner would have been spared much anxiety & Suspense, some expense and saved great pecuniary loss.

7. Your petitioner, during the long period of his Suspension, has suffered much. The Subsistence allowance paid to your petitioner (56½ Rupees per month) was utterly inadequate to support himself and those belonging to him; the expenses incident on the trials were very large. In short the proceedings have pecuniarily ruined him. Your petitioner was forced into debt to meet these expenses and he can only hope to pay off this debt by the arrears of his pay. Your petitioner begs

begs to ...
-tion of Your Hono...
prays that your Honorable ...
to reverse the decision of the Collector and to ...
your petitioner's full arrears of pay to be disbursed
to him

And your petitioner, as in duty bound,
will ever pray.

9 March }
1869 }

Frans Digne

No. 2,796.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th April 1869.

Read Petition No. 816 of 1869.

Read again Board's Proceedings, dated 30th September 1868, No. 6,937, and of 20th Novembe 1868, No. 8,210.

MR. DIQUE, Tahsildar of Cuddalore, was suspended on the 21st December 1867 on suspicio of bribery and corruption in connection with the License tax. He was committed for trial, bu acquitted by the Sessions Court. The Collector remained convinced of his guilt, but the Boar after reviewing the records of the case did not share this conviction and ordered Mr. Dique's res toration to office, though in a different talook. He was reinstated on the 16th December 186 after being suspended for eleven months and twenty-five days.

2. The Board reinstated Mr. Dique because they were of opinion that his innocence wa established. They therefore see no reason why full pay for the period of suspension should n be granted to him.

3. They accordingly resolve to request Government to sanction payment of Rupee 2,192-6-0, being salary at the rate of Rupees 225 per mensem, minus the fourth which Mr. Diqu has already received as subsistence allowance.

(A true Extract.)

Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with Petition and copies of Board's Proceedings, Nos. 6,937 and 8,210 of 1868.

Exd. J. Tulloch.

Revenue 1869. Sept

Board of Revenue,

MADRAS.

No. 1371

PROCEEDINGS, 26TH APRIL 1869, No. 2,796.

Dept 28 Dec Encl 3

Received 30th

Pro Ch Sec Bd of Revenue 19 July 1869 No 2477

APRIL

No. 2,796.

No 1344

Salary—of Mr Dique, at present Tahsildar of Tindivanum in South Arcot District, and Petitioner in No 816 of 1869, for period he was suspended from post of Tahsildar of Cuddalore, on suspicion of bribery and corruption in connection with License tax,—Sanction of Government requested for payment of, *minus* subsistence allowance already drawn by that officer.

Sanctioned (Rs 2,192-6-0)

No Leave Allowance Drawn