

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	798	Press Mis.
<i>7-9</i> Dated	1-6-	1870.

Not to be folded or roughly handled*ms*

*Proceedings of the Madras Government, Revenue Department,
1st June 1870.*

Read the following papers:—

No. 7. Proceedings of the Board of Revenue, dated 18th October 1869.

Read the following letters:—

From J. A. C. BOSWELL, Esq., Commissioner under Act XXXVII. of 1850,
dated 8th September 1869, No. 277.

From the Inam Commissioner, Madras, dated 24th September 1869, No. 8.

From V. VENKATACHELLA PUNTULU, Deputy-Collector, Masulipatam, dated
16th September 1869.

THE Board consider the circumstances brought to light by this inquiry connect V. Venkatachella Puntulu, Deputy-Collector in Kistna District, with the Chilkalurpett Pagoda, the subject of this case and its ministrations, as its virtual patron, and not—as sought to be established by the defence—as a mere disinterested sympathiser in P. Narasayah, his connection's unaided exertions in its behalf. The facts that active operations in respect to its extension and endowments from time to time are contemporary with his father's residence at Chilkalurpett as District Moonsiff, and again with the son's (the Deputy-Collector's) official connection with that part of the district clearly, the Board consider, preclude any other conclusion.

2. The facts, as gathered from the Commissioner's report, and the evidence are as follow:—Defendant's father, when District Moonsiff at Chilkalurpett about 1850, re-built and extended the temple in question, and used his influence with the villagers to secure a share (Rupees 14) of the village *sadavarti* (common fund) for its endowment. While his official connection with the place continued, the Moonsiff was sole manager of the Pagoda, and the person in whose name the offerings to the idol were made; and there is some reason to infer that the son's (the Deputy-Collector's) name has been associated with these oblations since he went thither, although the evidence is obscure on the point.

3. On the removal of the Moonsiff to another station about 1851, he made over charge of the temple to a Vakeel (resident of the village) of the Court over which he had presided, named P. Narasayah, who subsequently became the father-in-law of one of the Moonsiff's sons (the Deputy-Collector's deceased younger brother), whose childless widow (P. Narasayah's daughter) has since adopted the Deputy-Collector's own son. It is impossible therefore to disconnect the interests of the families, or to admit P. Narasayah's sole responsibility, or believe in his unaided activity in matters connected with this Pagoda, when unusual influences can be traced contemporary with the official employment of the Deputy-Collector in that talook, and in which his name and his subordinates were employed.

4. The general line taken in the defence is, the Board think, disingenuous in this respect, and, considering the circumstances and the relations existing between P. Narasayah and the Deputy-Collector, wholly inadmissible. Narasayah must, they consider, be treated as an agent of the Deputy-Collector's religious but parsimonious zeal.

5. The part taken by defendant's father has been noticed. In 1862 V. Venkatachella Puntulu became Deputy-Collector and Magistrate of the talook. The

construction of a car was, it appears, at once put in hand, and was completed in 1863; and the inadequacy of the payment made in respect to this has been one of the subjects submitted to the Commissioner. Various extensions were also made to the temple, and other improvements carried out during subsequent years, and largely increased endowment was procured from the people; all of which are ascribed by common repute to the Deputy-Collector: circumstances as well as the Deputy-Collector's conduct throughout these transactions clearly justified this conclusion.

6. As respects the special acts charged the Board make the following observations:—

Charge I.—The first charge was dropped.

Charge II.—On the second charge it is clear that official influence was successfully used to procure materials and workmanship for the car, without adequate payment, by the Deputy-Collector's subordinates who were engaged with Narasayah, acting under the colour of his authority. The Board do not think that the place in which the trees grew, or the kind of wood, etc., are material to the charge, nor was the value of the timber great. But the Deputy-Collector's conduct is throughout open to serious remarks.

Charge III.—Under the third charge it appears that land adjoining the public road which was required for certain extensions to the building, was obtained in part without payment from a person who had been dismissed the service, etc., and in part by purchase; and, further, that an encroachment on the public highway was made in erecting the car portico, followed by farther encroachments by the persons with whom these transactions, with and without payment, were concluded; these encroachments being made under the sanction of the Deputy-Collector—(Hassan Khan's evidence). The Board do not consider the opinion entertained by the Deputy-Collector, whether or not public inconvenience was caused, is immaterial; considerable encroachment was made, and the proceedings show clearly enough that the Deputy-Collector was vigilant in respect to such encroachments when his own interest was not involved. The official sanctions, alleged to have been given by others to similar enclosures, were by disinterested officials.

Charge IV.—Under the fourth charge it appears that public officers (one the Deputy-Collector's own Deloyet, others Talook Peons, and the rest the village-servants) were employed for months without payment in collecting various materials connected with the extensions of the Pagoda (without payment) from the people, and in "organizing" the labour, inadequately paid, (evidence of Department Public Works Overseer,) of the Potmakers of Chilkalurpett in the manufacture of bricks and in collecting men of the same caste from neighbouring villages for the same purpose. It is clearly established that the village-servants complained—superintending the buildings of temples, collection of materials for firing kiln, etc., form no part of the customary duty of the village establishment, and must seriously have interfered with their proper work—if not to the Deputy-Collector in person, certainly to his subordinates in charge of the work and Narasayah, of the oppressive character of the unremunerated and uncustomary exaction carried on in his name and under the colour of his authority.

Charge V.—In reference to the fifth charge it appears that when the koneru (pond for washing the idol) which, by common repute, is the property of

defendant, although the garden in which it appears to stand in the name of P. Narasayah, was being constructed and the portico built, Government Peons were employed in "organizing" and superintending the carting by the villagers of stones for the koneru, which were obtained from an old tank without payment, as well as the bricks, etc., for the portico, and that the hire of the carts was in neither case paid for. The Board differ from Mr. Boswell's view of the probable consequences of such conditions. Had the whole been voluntary and no impressment been necessary, or had Narasayah been the real promoter of the work, there would have been no need of employing Peons.

Charge VI.—The same remarks apply to the sixth charge.

Charge VII.—The seventh charge was withdrawn.

Charge VIII.—With respect to the eighth charge it appears that as before stated the Deputy-Collector's father obtained so far back as about 1851 a share of the village common fund, amounting to 14 Rupees a-year, and other contributions as an endowment for the temple. This probably proved insufficient, and was an inconvenient arrangement; accordingly some years ago the Deputy-Collector assembled the inhabitants of Chilkalurpett, and obtained their assent to the imposition of a toll on all "carts entering or leaving the village, or bullock-loads, men's loads, sacks, bundles, etc.," as an endowment to the Pagoda. The *Danapatra* is drawn in the favour of P. Narasayah, by whom the toll was farmed out for three years to a person to whom it was knocked down at auction for 100 Rupees a-year; on the expiry of this lease the farm was again knocked down in the same manner for 200 Rupees per annum, and appears latterly to have passed through several hands. The defence sought to be set up is justification inasmuch as the toll was self-imposed and not unusual, for similar contributions are made in other places. The evidence in respect to these shows the abuses to which these taxes lead.

The Board must record their deliberate opinion that in this instance the Deputy-Collector has very gravely abused his official power in instituting and supporting for years a most improper and necessarily oppressive and increasingly burdensome exaction on the people. It is clear that, though alleged to have been self-imposed, the tax could only be enforced while the Deputy-Collector's official connection with the place lasted, it partially failed so soon as his sphere of duty carried him elsewhere, and has ceased entirely since official notice has been taken of his conduct. The defence set up impresses the Board unfavourably in respect to the defendant's fitness for magisterial or administrative functions. He is evidently under influences which obscure his judgment and lead him to use objectionable means towards what to him appears a sacred end.

Charges IX. and X.—The whole conduct of the Deputy-Collector in respect to the attachment, survey, etc., of the *Manorerty* Inam villages, which form the subject of the ninth and tenth charges, is mysterious and suspicious. A possible and intelligible solution is suggested in the charges on the evidence of K. Dasayah, who is the person most likely to be acquainted with any secret motive that may have existed for the action taken—namely, that the Deputy, in his anxiety to obtain a landed endowment for the Pagoda, employed these means to force a reluctant grant. But the Commissioner withholds his confidence in respect to this witness's testimony on account of his obvious hostility. There is no proof that any endow-

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ment was secured, or that the final settlement by the Deputy-Collector as Inam Settlement officer was otherwise than regular.

7. On the whole, the Board resolve in submitting these papers to Government to record an unfavourable opinion of the defendant's conduct, and recommend his removal to a distant district. They have not considered the Collector's recommendation that he be required to retire on pension, as they find that he has not completed his service.

8. The First Member dissents from the views expressed above, and has recorded his opinion in a separate Minute.

No. 8. From the Deputy-Collector, Kistna District, to the Acting Secretary to Government, Fort Saint George, dated Mylapore, 11th November 1869.

I RESPECTFULLY beg leave to submit printed copies of the defence filed by me before the Commissioner, and of the letter addressed by me to the Board of Revenue, and to request that they may be perused with the record sent up by the Board of Revenue.

No. 9. ORDER THEREON, 1st June 1870, No. 798.

Miscellaneous.

IN February last year it was brought to the notice of Government that charges had been made against the Deputy-Collector attached to the Inam Commission.

Venkatachella Puntur, a Deputy-Collector, had built a car, erected a mantapam, excavated a tank, and had made certain additions to a Pagoda at Chilkalurpett by raising contributions from the villagers and by forcing them to give labour and materials gratis, and that this labour had been supervised by the Government servants who were under his orders. He added that the Deputy-Collector had made a corrupt settlement of an Inam village, and had abused his official influence in other ways in connection with the same Pagoda.

2. The complainant stated that the Deputy-Collector had built a car, erected a mantapam, excavated a tank, and had made certain additions to a Pagoda at Chilkalurpett by raising contributions from the villagers and by forcing them to give labour and materials gratis, and that this labour had been supervised by the Government servants who were under his orders. He added that the Deputy-Collector had made a corrupt settlement of an Inam village, and had abused his official influence in other ways in connection with the same Pagoda.

3. The Board of Revenue recommended that these charges should be formally investigated under Act XXXVII. of 1850, and the necessary orders were passed to this effect in the Proceedings of Government, dated 1st March 1869, No. 53.

4. The formal charges were submitted to Government with the Board's Proceedings, dated 7th May 1869, and, with the exception of the first charge relating to the construction of the car, were approved by the Board and sanctioned by Government in their Order, dated 10th May 1869, No. 1,302.

5. The Acting Sub-Collector Mr. Comyn was, in the first instance, directed to conduct the prosecution, but on his leaving the district the duty was transferred to Lieutenant Hoskins, the Superintendent of Police.

6. Mr. Boswell, the Acting Collector of the district, conducted the inquiry into the charges as Commissioner under Act XXXVII. of 1850, and has submitted his report through the Board of Revenue who have forwarded it to Government with their remarks on the case.

7. The first charge was dropped as noted above. The second charge relates to two trees said to have been obtained by official influence, without payment, for

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the purpose of constructing a temple. Mr. Boswell acquits the Deputy-Collector of this charge, as the evidence goes to show that the trees were given willingly for a charitable purpose.

8. The third charge relates to the acquisition, without payment, of a piece of land as the site for the addition to the Pagoda, and to sanction having been accorded to the encroachment on a public street as compensation. The charge regarding the acquisition of the land, Mr. Boswell considers to have failed, and he exonerates the Deputy-Collector from any improper motive in sanctioning the encroachments on the street.

9. In the fourth charge the Deputy-Collector is accused of having obtained materials and labour for building the additions to the Pagoda without payment, and of having required his official subordinates to supervise the work. He is further charged with having refused redress when a complaint was made by the labourers that they had not received the proper hire. The Commissioner finds that the public servants did not compel any persons to work against their will, and that their own employment in supervising the work was a pardonable indiscretion on the part of the Deputy-Collector, as they were mostly Peons attached to him for his personal service. He also finds that the materials were given willingly for a religious purpose, and that the labour was that of the village vetties, which it is usual to give for common village purposes, such as the building of a village Pagoda; and that the assertion that they complained to the Deputy-Collector without redress is untrue.

10. The fifth charge is similar to the fourth, but refers to the construction of a sacred tank. The Commissioner's finding is somewhat doubtful in this case: he states that much of the evidence goes to show that there was impressment of labour through the agency of Peons and village-servants; but, on the other hand, he states that no particular case of impressment has been proved by producing the person impressed, and that it is therefore possible that the Government servants were merely employed to organize labour which was freely proffered.

11. The sixth charge is similar to the fourth and fifth, but refers to the building of a mantapam in connection with the Pagoda, and to the stones of which it was built. The Commissioner's finding is in this case also somewhat doubtful; but he arrives at the conclusion that the materials were not improperly obtained, that most of the labour employed was either paid for or voluntary, but that some people gave labour because they were desired to do so by persons in authority.

12. The seventh charge was dropped. The eighth refers to the raising of illegal contributions in the village for temple purposes by means of a bandy-tax. The Commissioner finds that the Deputy-Collector's father, when building the original temple, induced the villagers to endow it by making an alienation of the Sadavad Funds of the village (being the usual collection at religious feasts), and that the Deputy-Collector finding that the endowment was irregularly paid, "suggested" to the principal persons of the village the substitution of a bandy-tax for the original endowment, which they voluntarily consented to do. Mr. Boswell is of opinion that in this case, as in the case of the employment of Peons to organize temple-labour, the Deputy-Collector "allowed his religious zeal to outrun his discretion." He, however, considers that local custom authorized the collection

of the tax as a means of subscribing to the religious institution of the village, and that the Deputy-Collector had little to do with it beyond suggesting the arrangement at a Public Meeting.

13. The ninth and tenth charges relate to the Deputy-Collector having been influenced by corrupt motives in making the settlement of an Inam village, having, in the first instance, made the settlement on unduly unfavourable terms to the Inamdar, and afterwards changed his decision, confirming the Inam on specially favourable terms; the allegation being that the Inamdar had at first refused, but afterwards consented to make a grant of a portion of his land as an endowment to the Pagoda in which the Deputy-Collector was interested. The Commissioner acquits the Deputy-Collector of both charges.

14. In conclusion, the Commissioner reports that none of the charges have been fully proved against the Deputy-Collector; that he is an officer of thirty-five years' service, of known probity and respectability; and that he considers that his religious zeal has led him into serious indiscretions merely. He recommends that he be permitted to retire upon full pension, or be removed from the district.

15. The Board of Revenue take a somewhat different view of the evidence to that held by the Commissioner, and consider it to be proved that the Deputy-Collector obtained materials and labour at low rates, and without payment through his official influence, that he used his subordinates as supervisors of the work, and employed the village-servants on it in a very improper manner, and that the so-called voluntary village subscription was virtually a compulsory and illegal cess collected by his orders. They consider the line of defence adopted by the Deputy-Collector to be disingenuous, inasmuch as he endeavours to disconnect himself from his relative Narasayah, the Dharmakartu or Churchwarden of the Pagoda, who evidently acted throughout as his agent. They, however, acquit him of having made a corrupt settlement of the Inam land. In conclusion, they submit the case to Government with the expression of an unfavourable opinion of the Deputy-Collector's conduct, and recommend his removal to a distant district.

16. The Deputy-Collector has forwarded a copy of his defence, and also of a letter addressed to Board of Revenue. He pleads, generally, that all the charges against him are the result of a conspiracy, and repudiates the assumption that Narasayah, the Dharmakartu of the Pagoda, acted as his agent. He analyses the evidence brought forward for the prosecution and defence, and endeavours to show that none of the charges have been proved against him; and, in conclusion, he appeals to his prolonged and faithful service, and to his high character as a public officer.

17. The Right Honourable the Governor in Council has given his careful consideration to the Commissioner's report, to the evidence submitted, and to the remarks of the Board of Revenue. He is disposed to concur in the view taken of the case by Mr. Boswell, the Commissioner, that the conduct of the Deputy-Collector, V. Venkatachella, in identifying himself with the measures taken for the endowment and improvement of the temple, has been very injudicious and, on general grounds of policy, open to very serious objections, but that no grave moral culpability has been proved against him.

18. The temple was built by the Deputy-Collector's father, and the Deputy-Collector naturally took a strong interest in it, which led him beyond the bounds

of discretion and official propriety. The charges undoubtedly originally emanated from personal animosity, and the more serious accusations which, moreover, best admitted of proof were either abandoned or failed; and it is creditable to the Deputy-Collector that there is no taint of personal gain or corruption in the case. The Deputy-Collector has already been under suspension for upwards of a year; he bears a very high character for integrity; and has rendered good service to the State.

19. Under all the circumstances of the case, the Right Honourable the Governor in Council resolves to restore the Deputy-Collector to his appointment, transferring him, however, from the Kistna to the Bellary District, and to direct the Board of Revenue to inform him that he has incurred the serious displeasure of Government by his indiscreet zeal and his neglect of the standing orders of the department.

20. The Accountant-General will be requested to report what portion of the Deputy-Collector's salary has been passed to him during his suspension, and what amount is still available, in order that the Government may determine the sum to be paid to him monthly in arrears. It is to be understood that the Deputy-Collector's suspension is not to constitute a break in his service for pension.

(True Extract.)

(Signed)

R. A. DALYELL,

Acting Secretary to Government.

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

Exd. F. R. Bantleman.

DEFENCE

Made by Vadlamunnaty Venkatchalam Puntulu, Deputy Collector, Kistna District, against the charges prepared against him with reference to G. O., dated 1st March 1869, No. 531 and 13th March 1869, No. 684, Revenue Department.

Addressing you under the humiliating circumstances of an accused person, I hope I shall have the patient indulgence of the Court, should an occasional expression of indignation escape me, with reference to the persons who instigated the charges, and the circumstances under which they have been brought against me.

It is a painful task for me to stand thus arraigned in the position of an accused, and to be called upon to defend myself against certain charges maliciously brought against me by designing enemies after 35 years of faithful service, during which I have never been, until the present moment, found fault with.

I have perused the charges carefully and have patiently heard the prosecution, still I am unable to find any thing that is brought home to me. Out of the 10 charges preferred against me, all but the last two have reference to certain acts alleged to have been done by one Polamraz Narsia, a Pleader in the Civil and Session Court of Guntoor, in connection with the temple of Sri Sitaramaswami of Chilkalurupata. It is for the acts of this gentleman that I am now held responsible as having used my official influence through him.

Before entering upon my defence against the several charges, I shall briefly allude to the circumstances under which these charges have originated. My position and relation to the people were peculiar. As a Magistrate, I had to deal with all sorts of men offending against public justice. As a Deputy Collector, I had to check long-standing mal-practices, and to exercise strict supervision over all sorts of officers inclusive of village servants. Persons who hold high offices and are strict in their administration of justice would, as a rule, make some enemies. Every unprincipled Brahmin expects another of the same caste in authority to show him some favor in the discharge of his official duties or to connive at his deceitful practices and resents when he is disappointed. This is a great weakness which generally prevails among all nations especially amongst the Hindus. They are apt to overbear towards the flourishing state of their fellow caste men. They would rather see thousands of other caste flourish than one of their own, when the latter declines to countenance their evil practices.

Dasia, Venkataramania and Nallakonda Janakiramudu (all Brahmins) are men of this description and are in the present case ring-leaders. The first was punished by me for his dishonest conduct, the 2nd for his mal-practices in the discharge of his duties as a Vakeel, and the 3rd for making a false report; it is but natural that men of this description should entertain animosity towards me and attempt to injure me by any means, foul or fair, provided they have hopes of success. These are not the only men that wish my injury. There are others of a similar character such as dismissed public servants.

The difficulties and dangers attending a straightforward discharge of duty by a Native Public Servant are well known to your honor, and I cannot describe them better than in the words of the Government. "It must never be forgotten that a Thasildar is exposed to more temptation, to more obloquy and to more vindictive accusation than any other class of Public Officers, and the only security he has for keeping his place in defiance, if it all, is the conviction that he will not be the victim of frivolous complaints or of those secret confederacies which in every District are at work for the overthrow of those who really perform their duty." It is obvious that the post of a Deputy Collector and Magistrate with full powers is a more arduous and responsible one than that of a Thasildar, and is in consequence more exposed to the difficulties enumerated in the above passage, and therefore want greater protection from the "frivolous complaints" and "secret confederacies" therein alluded to.

The introduction of the New Police brought with it, just as all other institutions in their infancy, several persons of indifferent character, owing to the scruples of the higher orders of this country to enter the ranks of the Police at that time. Palnad, Rajapett, and Venukonda Taluqs had their Police under the new organization in 1862-63. As the Deputy Magistrate of those Taluqs, I had before me, cases involving members of the Police. Having no regard to persons but to the merits of each individual case, I disposed of them according to the honest dictates of my conscience in conformity with law. The Inspectors and Constables who had been punished by me for their crimes, misrepresented something to the Superintendent of Police and produced such an impression upon

Comm. of 1870

REVENUE

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THE BOARD OF REVENUE

Re. No. 531

Date of Dec. 1st

Head

Sub

G. O. of Dec 1870, No. 684

1870

1870

Charges against Deputy Collector, Kistna District, Puntulu, Venkatchalam, for his mal-practices in the discharge of his duties as a Deputy Collector, and for his mal-practices in the discharge of his duties as a Magistrate, and for his mal-practices in the discharge of his duties as a Public Servant.

that officer's mind as to induce him to write against me to the Magistrate of the District, who was however pleased to call for an explanation from me, and was satisfied with it when offered.

I beg your honor will be pleased to consider both the time and circumstances under which the charges have been preferred against me. As my Inam work was drawing to a close, Lanka Venkatappa, Inspector of Police at the Head Quarters Office in this District, who was acting as Deputy Collector in charge of the same Taluqs over which I had jurisdiction, appears to have felt that he should either revert to his permanent appointment on my resuming charge of the said Taluqs, or continue to be the Deputy Collector by getting me transferred from my place. Circumstances favored his attempting the latter course. The experienced Officers Messrs. G. Thornhill and W. Wilson, who were thoroughly acquainted with my character, as well as the nature and condition of the people, had left the District, the former in April and the latter in December 1863; and Mr. Comyn, a stranger to the Northern Circars, assumed charge of the District. My enemies, considering this a favourable opportunity, commenced their intrigues. I have not the least intention to throw reflections upon the character of my fellow servants or impute bad motives to their actions. Compelled by my position and surrounding circumstances, and being under the imperative necessity of explaining the charges, I cannot but give vent to the feelings of my wounded heart, and lay before your honor the real facts of the case which I believe to be true and essential to my case. As co-adjutors are to be found in every field either to the accomplishment of good or bad purpose, so my enemies had their fellows in this work. They had to consider what charges they should bring. They greatly wished that they were able to fabricate charges of a more heinous nature, but thinking that if I were accused of corruption or the like, it would not pass off easily and be considered as false by every body, they at last invented the charges which they have now brought, seeing that there was in my Division a Pagoda commenced to be built by Gabbita Venkatanarasu and finished by my father, and imagining that if they could, by any possible means, show that I had taken some undue interest in it, my transfer to another District would be inevitable under the existing circumstances.

Now, the questions which naturally suggest themselves are, when were the acts with which I am charged committed, and what was my motive in committing them? Had I any pecuniary interest in the temple and its affairs? These acts were alleged by the prosecution to have been committed between 1862 and 1867. The Sub-Collector made the Jamabundy of Rajapett Taluq in the years 1862-63-64 and 65, and Mr. Thornhill in 1867. Mr. Wilson first came to Narsarowpetta in October 1867, and afterwards to the Taluq of that name in February 1868, that is, two months after I entered the Inam Commission in November 1867, and not a single complaint was ever made before any of those officers concerning these acts or any others. This long delay left unaccounted for, and the circumstances under which these charges have been brought cannot but cast suspicion upon the truth of the charges. Another question is, who is the real manager of the affairs of the temple. P. Narsia has been its trustee or manager as was admitted in the charges to which post he succeeded my father in 1851, when he left the village of Chilkalurupata. He looks after its affairs, and he is the only person that has any thing to do with it. During the life-time of my father, he made over the temple to P. Narsia, whom he as well as the people that took a real interest in the welfare of the temple considered from his influence and riches as a fit person to be entrusted with such duties. The temple is located in the Guntoor portion of the Kistna District; whereas my place of residence is Masulipatam, nearly 80 miles distant from the village of Chilkalurupata. In making over the transaction of the Pagoda to P. Narsia, my father only fulfilled the wishes of the villagers, the real supporters of the Pagoda. My father did not select a pennyless adventurer, intending that he should remain a puppet, while he and others of his family were the real actors behind the scene. This is the best selection he could have made for the purpose. If his motives were otherwise, a poor and uninfluential Brahmin would have been selected. P. Narsia is a resident of Chilkalurupata where this temple is located, and a Pleader in the Civil and Session Court of Guntoor. This gentleman was a Vakeel in the late Moonsiff's Court of Chilkalurupatta long before the erection of the temple, and on the removal of that Court to some other place, he was taken into the Bapatla Court which has jurisdiction over Chilkalurupata, and this circumstance enabled P. Narsia to maintain his connection with it. He afterwards entered the District Court which enlarged the extent of his influence, strengthening his connection with the people. He has a long and uninterrupted practice of 30 years in various Courts in the Guntoor portion of this District, and his son has been a Vakeel in the Bapatla Court for 6 years. It is a matter of course that mercantile classes and others have more or less to do with legal advisers. Their reciprocal obligations become greater, and the ties of friendship stronger since the parties in the course of litigation involve their life and property and look upon legal profession as their

confidential advisers in time of need; such persons, when they have been benefited by the valuable assistance of their professional friends, do not deny any demands they may make upon them, especially when the object for which aid is sought is one held in popular esteem and veneration, such is the extensive and popular influence possessed by Pleaders. Added to the influence thus acquired by him through professional means and usefulness, his residence of more than 30 years at Chilkalurupata must have undoubtedly obtained for him assistance from every quarter and co-operation from every individual in carrying out his plans for the improvement of the temple. I am obliged to dwell long on the subject as it is stated by the prosecution, that P. Narsia is an instrument in my hands through whose agency I have acted as the real manager of the temple. Narsia is not the solitary instance of a Vakeel becoming trustee of a temple and improving it by his influence and exertions. Tolete Purshotamia his fellow practitioner in the same Court, built a temple. His relatives and friends are neither Deputy Collectors nor any public servants. Still he was able to cause a temple to be erected and maintained in the village of Boddalurupad in the Repalle Taluq. One Sripate Veyyanna Dikshatulu, now a Vakeel in the Small Causes Court of Masulipatam had a Gopuram (tower) and car built for temple at Yalamurru. I beg to add that P. Narsia was entrusted with the affairs of the Pagoda, not in consideration of his alliance with our family as was alleged by the prosecution, since the alliance was contracted long after the Pagoda affairs were made over to him. Adverting to the above enumerated privileges with which P. Narsia is capable of moving in society, it is evident that he could and did manage all his affairs independently of my concern. He is entrusted with the free and independent charge of the temple uncontrolled by any agency. My father left the village of Chilkalurupata in 1851, and died at Masulipatam in March 1853. None of the members of our family had visited Chilkalurupata from 1854 to 1862. I had been a District Moonsiff at Ellore from 1854 to 1859, and then served as a Deputy Collector in the Districts of Vizagapatam and Godavery from 1859 to 1862, when I was transferred to Krishna District. That during this period, P. Narsia was managing the affairs of the temple and maintaining without my influence or that of any other public servant, cannot be denied even by my adversaries. He has been managing the affairs of the Pagoda ever since my arrival in the District as he had done before.

Under these circumstances, every one cannot but be convinced that all acts ascribed to P. Narsia as having done through my influence are such as he could do independent of me. Narsia's sole influence and power will suffice to maintain the temple, but in this affair he has, in addition the cordial support of his fellow pleaders N. Varadarulu and C. Janakeramia, the inhabitants of the village and of Bhavayya, the father of the latter, who is remarkable for his punctual and daily attendance at the temple for the last 24 years without failure.

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latives there, nor did I ever make it a place of residence. So, if I be said to have any connection with the temple in question, it must be of the same sort as that I may have with any other in any other place. Perhaps it will be said that it is a village attached to my Taluqs. True it is; but there are hundreds of such temples within my jurisdiction. Nor is this all. I have served in other Districts abounding in such temples. The temple in question being the only one in this large village, and that too in the middle of the market place surrounded by the houses of the wealthy merchants with whom the people of the country around have continual dealings, it is capable of more assistance than the generality of temples.

With the above remarks, I beg to close the introductory part of my defence and begin respectfully to answer the charges *in seriatim*.

CHARGE No. I.

As this charge has been withdrawn by the prosecution before the commencement of the trial, it is unnecessary for me to defend myself against it.

CHARGE No. II.

I am charged with having obtained 3 trees, one Derisana tree and two Margosa trees, the first from Khasimkhan and the last 2 from the weavers of Rajapett by improperly using my official influence and authority through P. Narsia without the payment of any consideration.

I beg to deny my connexion with this charge. I never used my official influence and authority for the purpose alleged. I never told P. Narsia to obtain Derisana and Margosa trees in my name. I was not aware whether any trees were procured or what became of them, or whether they were paid for or got gratis. Is it fair that I should be made answerable for what P. Narsia is said to have done?

In support of this charge, 8 witnesses have been cited by the prosecution, out of whom 6 only have been examined.

The only evidence adduced in reference to the Derisana tree is that of Khasimkhan, who deposes that, one day Narsia told him that he had Derisana tree cut down at Dundamudi, and asked ^{him} me to go with a carpenter to that village to have the necessary quantity of wood cut from it, and that he accordingly did so, and that he does not know whether any compensation was paid for it; from this evidence it does not appear to whom this tree belonged or how it was obtained. It is not shown as laid down in the charge, that Narsia had obtained it through my official influence, or that it was reluctantly given by its owner.

There is not the slightest evidence to prove that any party was injured. On the contrary it is even admitted by Salimkhan, the elder brother of the above witness that the only purpose for which this particular kind of wood is used, is, for the construction of a temple Car, and that this wood is not used either by the Hindus or Mahomedans for common purposes. Salimkhan knows nothing about the Derisana tree except that he received the wood thereof when brought to him. Of the 5 witnesses who have been called in, V. Kottappa, V. Gurappa, V. Venkia and A. Lingia are represented to have been the donors of 2 Margosa trees, and Kasimkhan is said to have been present at a conversation between them and Narsia about the grant of the trees.

These 4 witnesses depose that, 5 years ago a peon came and told them that the Deputy Collector wanted them, and when they went with him as far as Purshottapatam, Narsia asked them for 2 trees for a Car which they gave him from their charitable topes. They further acknowledge that they did not go to the Deputy Collector who was then at Chilkalurupata, and that they never informed him of their having given 2 trees to Narsia.

According to the evidence of P. Narsia, 1st witness for the prosecution, it appears that these trees were not obtained by himself directly, but by one Tota Gopia who had been superintending the construction of the Car.

T. Gopia and V. Sevaramayya who were examined for the defence depose, that Gopia sent for the weavers by a peon (Batta Peon of Bapatla Moonsiff's Court) and asked them for the trees and obtained them gratis.

Supposing that Narsia asked for the trees in my name, still there is no evidence to show that he had my permission to use my name in obtaining the trees.

If they were obliged by improper official influence to part with their trees, or if they had a real ground of complaint, they would have availed themselves of the opportunity which they had of representing it to the authorities who made the Zamabundy of that Taluq in 1863, 1864 and 1865—as I was not in charge of the Revenue management of that Taluq during those years, or to Mr. Thornhill, the Collector of the District, who halted at Rajapett, (the place of residence of these witnesses, and made the Zamabundy for 1867. I beg to object to the reception of the exhibits Nos. 16 and 17 in evidence. No. 16 purports to be a petition presented by V. Cottappa and 2 others to Mr. Plunket, Acting Deputy Collector, concerning their right to the tope. No complaint is made against me in this petition. Mr. Plunket, the Acting Deputy Collector, mistook it for a complaint against me

No. 17 is a letter from Mr. Plunket to the Collector. The fact of the Collectors not having taken this into notice shows that neither Mr. Wilson nor the Collector attached any importance to it. V. Cottappa deposes that his object in presenting the Petition to Mr. Plunket was to establish his right to the tope by complaining against the Curnum Purdasi and not at all against the Deputy Collector.

As the weaver witnesses depose that these trees were given from charitable topes, it is no wonder if their price was not asked or paid, the best use that can be made of a charitable tope is to apply it for charitable purposes, the most important kind of them being a free grant of its trees for the use of a deity.

This might have been the motive which led the owners of the tope to part with their trees,—they had devoted the whole tope from the beginning to public purposes, and they had given trees in charity to different persons on different occasions, and they would not think a loss when they voluntarily gave one or two trees out of a large tope, for the sole and obvious use of a deity, the highest object of the grantor's veneration.

Vide document C, letter dated 10th June 1860, from P. Narsia (trustee of the temple) to V. Sashia at Dindec, requesting him to ascertain whether teak beams can be cheaply purchased at Dindec, and whether carpenters who can build Cars are forthcoming at Nizamapatam. This letter bears the postal mark of Bapatla Station from which it was dispatched.

P. Narsia entertained the idea of constructing a Car long before my arrival in this District, and even made preparation to accomplish that end (Vide exhibit marked C). During the course of its construction, I was absent on leave for about four months in 1863 in the southernmost districts of this Presidency.

Though it is not necessary for me to state who superintended the construction of the Car, as the first charge was withdrawn, yet I beg to say that Tota Gopia, a Hindu, has superintended the work but not Selimkhan a Mahomedan. This circumstance has been proved by several witnesses for the defence and by the evidence of M. Gundappa (6th witness for prosecution,) who stated that he sent iron required for the Car to Gopia. Even according to Selimkhan's statement, he superintended the work gratuitously but not with the hope of getting any reward or remuneration.

I trust your honor will perceive that the charge regarding the Car is groundless and not proved.

CHARGE No. III.

I am charged with having obtained a small piece of land measuring 4 yards square in Chilkalurupata as a site for portico for reception of the Car constructed for the Sri Seetaramasawmy's temple in the said village from Ameerkhan since dead and Hussankhan Sahib on a fictitious document of sale without the payment of other consideration than allowing through P. Narsia the trustee of the said temple, the said Hussankhan Sahib to illegally encroach upon the public road and in building the said portico with having caused the street running east and west to be illegally and to the detriment of public convenience encroached upon to the extent of half a yard and the street running north and south to the extent of a yard and a half.

I must assert my innocence here—this piece of land was purchased by P. Narsia in part and the other being obtained by way of gift. The former piece was paid for, and the deed of sale was executed by Ameerkhan which document expressly acknowledges pecuniary consideration, and the latter was willingly given in gift by Hussankhan. Four witnesses have been examined to prove this charge, two of whom M. Venkataramania (complainant) and N. Janakiramia are men punished by me in the capacity of a Deputy Magistrate. Selimkhan, and M. V. Ramaniam and Janakiramia say nothing beyond making the bare statement that there is some encroachment. Consequently, their evidence does not support the charge. Then the evidence of Hussankhan remains for consideration, his evidence is very nearly to the following effect :—

“On the south side I encroached on the street to the extent of half a yard. I did so because Venkatachellum Puntulu, Deputy Collector gave me leave. He gave leave to occupy the land, as there was a projection in one part and a bend in the other. At the time of my giving land to P. Narsia, there was no agreement entered

"into that I should be allowed to encroach on the public street, permission was given to me after the portico was built. As Ameen Khan said, that he would take no price. I said, I would not take price too. Ameen Khan having been my enemy, he said he would not take price, thinking that his refusal would induce me to imitate him and thereby make me a loser, so I did not take any price, but he afterwards failed to keep his word, but as I once said, that I would not take any price, I did not take any to keep to my word. I executed a Kararnama (Cabala) for the land in which it was stated that I had taken 30 Rupees price. I did not, in fact, take it. It was so entered in the Kararnama as Narsia had told me that it would not otherwise be registered. I said to the Deputy Collector that I gave the land to P. Narsia and executed a document in his name. I had been shown no favour in return for giving the land, it was 5 months after giving the title deed to P. Narsia that I went and told the Deputy Collector about it. It was about 5 or 6 months after the Car portico was built that I asked the Deputy Collector for permission to encroach upon the street. Mr. G. Thornhill came to Chikalur patta in 1867." His brother Selim Khan deposed that the godowns were built 2 years after the portico was built. From this statement it is evident that the construction of the godowns commenced after I made over charge of general duties to Mr. Plunket. It is therefore really absurd to say that I permitted Hussain Khan to encroach upon the street in erecting the godowns. If these were built wrongfully, Mr. Plunket should be made answerable for it, if at all as they were built in his days. The title deeds of the said pieces of land are not fictitious. One of them is a deed of sale obtained by P. Narsia on consideration paid to Ameen Khan, the other is a deed of gift the genuineness of both of which was admitted by the authors thereof.

Mr. G. Thornhill the Collector during the Settlement of Rajapett Taluq in January 1867, inspected the portico which had then been completed; neither that gentleman nor my successor Mr. Plunket who had also inspected it considered it an encroachment upon the public street to the detriment of the interest and convenience of the public. Had any body suffered the alleged inconvenience from the encroachment caused by the erection of the Car portico, complaints would have been invariably made to them about it. Although the two said gentlemen passed through the street and observed the portico and the bend (which is said to have been subsequently occupied by the godowns) yet no encroachment was perceived by them, and not a single complaint was made about it. Had it been an illegal and considerable encroachment materially tending to affect the public convenience

Para. 14 of Mr. Comyn's letter Hussain Khan Sahab was told by Narsia that he might extend his godowns bringing them out to the same line with the portico in the street running east and west. Hussain Khan Sahab of course availed himself of the privilege.

it would not surely have escaped their notice. The charge sets forth that I allowed through P. Narsia the said Hussain Khan to encroach illegally on the public road as a consideration for the building site of 4 yards square given by him for portico. This shews that Hussain Khan Sahab might have originally stated that it was Narsia that gave him

permission, while he now deposes in direct contradiction that the permission was granted by me. The documents are in Narsia's name and the land was given to him. The encroachment even if there had been any, it being only half a yard on one side, and one and half yards on the other or the longest side as he witnesses for the prosecution have deposed,—no substantial inconvenience to the public is apparent. According to Hussain Khan's evidence, Ameen Khan received his purchase money, and he had voluntarily foregone the payment of the price to himself in order to preserve his dignity by acting up to his word. He says, he saw me and mentioned the same to me 5 months after executing the deed to Narsia. This is false. I left Komaravallipad 2 days prior to the execution of the deed and did not return to it till about one year afterwards which is evident from (document 33 and 34 for the prosecution). Hussain Khan admits that P. Narsia had been the counsel for a relation of his in an appeal suit, and that he had only been paid half his legal and regular remuneration, and that P. Narsia undertook the cause at his (Hussain Khan's) recommendation. Even granting that P. Narsia had agreed to plead his client's cause for half the fees, he must have done so for his merchant friend Hussain Khan; if otherwise there being no reason why he should have shown favor to the above suitor who had not been his customer before.

Therefore it is only natural that Hussain Khan Sahab should show gratitude to P. Narsia who agreed to accept Vakalatnama in that case.

* Marked Z.

The document* executed by Hussain Khan in favour of P. Narsia falsifies what Hussain Khan stated, that receipt of consideration in money was entered in it. The document purports to be a deed of gift and not a sale deed as he stated upon oath—it speaks of no pecuniary consideration whatever. That I had not been in the habit of allowing encroachments on public street, even in connection with this temple will appear from the Taked* No. 182, dated 10th November 1867. Document II issued

* Marked II.

by me to the Sub-Magistrate of Rajapett. One M. Venkata Charlu, warden of the said temple applied to me for permission to incorporate a line adjoining the temple, and it was supported by the Tahsildar, but I decided that

no permission would be accorded unless all the neighbours consented to it. The document executed by Hussain Khan is not shown to have been founded on fictitious consideration or obtained by illegal means. The inducement offered him to part with his land, consists not as the prosecutor has alleged in conniving at his encroachment but in his desire to cultivate friendship with P. Narsia. One reason has been given by the witness for refusing to take the price of land, while the consideration alleged in the charge was totally different and positively denied by the said witness.

Mr. Plunket my successor after my transfer to the Inam Commission visited the spot while the godowns were in the course of construction, he did not object to it, so it had the approval and acquiescence of Mr. Plunket. All the evidence adduced by prosecutor failed to show that the encroachment of portico was done with my knowledge or with my sanction. It may all have been done by P. Narsia, then if I am to blame for an act of Narsia's done during my absence, when I had no means to learn it. Mr. Plunket is in fact to blame for the encroachment of Hussain Khan. I have never permitted the encroachments alleged in this charge,—supposing that I have permitted both of them and they have occupied the land with my sanction, this cannot, I beg to say, be called an encroachment, for, I had power to give such permission and on that ground I am justified—on the other hand, if they were done without my knowledge at different times, the one being independent of the other, I must be regarded as a stranger to it; permission to Hussain Khan to encroach not being a promise for his consideration of giving land to

Vide documents Q. R.

P. Narsia, I was competent to give him such permission. To show my competency I have adduced two instances:—Mr. G. Thornhill had given on the application of Rev. R. T. Noble a large piece of land containing part of public road to the Church Mission Society at Bunder—again, D. Somasundarow Puntuluguru had obtained from the Municipal Commissioner of Masulipatam a strip of land forming

Vide document P.

part of the highway in Bunder—besides these, numerable examples of a similar kind are of frequent occurrence in every place. Therefore my power to grant a yard or half a yard for building purposes in an insignificant place in my Taluks cannot be denied, and even that without the slightest inconvenience or injury to neighbours which is evident from their long silence. If any one had complained of it to me as an encroachment, I would have given my full consideration to it, just as I had done once when the worshipper of the temple applied to me for permission to incorporate a small piece of ground with the temple.

The complainant admitted that he did not allude to this in his original petition, so it may be viewed to be an afterthought.

Had it been a real encroachment, known to him for a long time as stated in his deposition, he would not have omitted to mention it in his petition.

Now I beg to ask, has any of the inhabitants of the street in which the portico stands complained of inconvenience to them from the alleged fact of encroachment on public street? Have Hussain Khan or Ameen Khan or his representatives ever complained of any illegal seizure of their land against their will by the exercise of official influence?

Then your honor will be convinced that in the absence of any complaint, and evidence, a serious charge has been drawn out.

The prosecution has not produced a single witness residing in the portico street—this want of best evidence casts suspicion on the case. Of the witnesses examined for the defence Kundakotapa and Guttiverappa living in the same street with the portico, state that there is no encroachment or inconvenience. Tyagura Kristnareddy, Village Munisiff and Chullavenkatapayya Karanam, and Chullacannia V. Sevaramayya, Kristna Somayajulu, Avutaracharu deposed that the new walls of portico are built in the place of the old walls, and that there is no encroachment on road or any inconvenience to traffic bandies or passengers going along the street.

It is also proved by Chulla Venkatappayya and Tota Gopia who attested the document Y. bill of sale executed by Ameen Khan that consideration money of 30 Rupees was paid to said Ameen Khan, and he sold it of his own accord.

Under these circumstances, and on the face of the evidence showing that the former Collectors did not deem it an encroachment, may I not be justified in saying that this charge is unfounded and malicious?

CHARGE IV.

Now I beg to offer my defence against the 4th charge. Here I am said to have improperly used my official influence and authority (a) by obtaining materials free of cost by causing the bricks required for its construction to be made by the potmakers of Chilkalurupata, and the neighbouring villages, for which service they received very inadequate consideration (b) by causing the Vetties of the said village of Chilkalurupata, to bring fuel and chunam and other materials to cut wood and perform other services without the payment of any consideration whatever, and by obtaining fuel from the Komaties of the said village of Chilkalurupata without the payment of any consideration through the agency of public servants, whom I appointed to supervise the said work and by whom the potmakers and vetties were impressed for labour on the said works and (c) that though certain of the potmakers and Vetties aforesaid complained to me that they had received no remuneration for the work done, their appeal procured for them no redress whatever, though to afford such was one of my proper official duties. Here prosecution has changed its course and charged me with acts said to have been done by myself in person, but not through the instrumentality of P. Narsia, whom the prosecution has been treating throughout as a tool in my hands.

The reason perhaps is that the case would be stronger by a direct attack.—I plead not guilty.

To prove the charge as alleged by prosecution, the following points must be established.

- a. 1. That I improperly used my official influence and authority.
2. That I obtained materials free of cost.
3. That the potmakers of Chilkalurupata, and the neighbouring villages, who made the bricks, received very inadequate consideration.
- b. 1. That I caused the Vetties of Chilkalurupata to bring fuel and chunam and other materials to cut wood and to perform other services without the payment of any consideration whatever.
2. That I obtained fuel from the Komaties of the said village without the payment of any consideration.
3. That I appointed public servants to supervise the work, and that they forced the potmakers and Vetties to labour.

c. That although the potmakers and vetties represented to me that they had received no remuneration for the work done, I afforded no redress to them.

To prove this charge 11 witnesses have been produced on behalf of the prosecution. I shall attempt at an analysis of their evidence, and point out that there is nothing in it that bears against me.

Sashaya and Mamaya, potmakers of Chilkalurupata, admitted that they received an advance of 10 Rupees from P. Narsia, and executed a document to him. The document* was produced by P. Narsia, from which it appears that they were bound to make unburnt bricks at the rate of 8,500 for 4 Rupees. At this rate they were to supply P. Narsia with 21,250 bricks for the money they received in advance, whatever might be the time it took them for preparing the bricks. They deposed that as there was delay in their work, P. Narsia warned them that he would sue them in Civil Court for 50 Rupees damages for breach of contract, and that as they requested for aid, potmakers of other villages were sent for to aid them, and that they all made the bricks, but that they did not know whether the other potmakers were paid for their work, and what quantity of bricks they as well as the other potmakers made. They further stated that they never complained or represented to me any thing about their hire. It is now idle to say that at a daily rate of wages they would have got more. They were not employed as day labourers. They entered into a contract with P. Narsia which they were bound to fulfil. Narsia deposes that Sashaya and Mamaya still owe him about 2,000 bricks. They delayed commencing the work in the beginning, and when they entered upon it, rains set in, and obliged them to postpone the work. There is not a particle of evidence to show that the potmakers of other villages were not paid for their labour. According to the evidence of Pentadoo (Vettyman) the potmakers had to perform the services of the temple in consideration of their having a right to share in the heap of food (Kombham) sacrificed to the god.

I trust your honor will perceive that the charge that I did not afford redress to potmakers, although they complained to me is unfounded, as they themselves admitted that they did not complain to me on the subject. It may be easily conceived that Narsia would have threatened the potmakers with a criminal prosecution under Act 13 of 1859 before me, in case I had any undue concern in the matter. He would not have threatened them with a civil suit, as they

* Para. 17 of Mr. Comyn's letter. 2 potmakers of Chilkalurupata Sashaya and Mamaya informed me that they were employed for 3 months, and that they received an advance of 5 Rupees. The potmakers applied to the Deputy Collector himself and represented that though the former Zemindars made them work without hire, they at least gave them batta, &c. This appeal was not favorably received, for they were told by the Deputy Collector that he was the master and they must do the work anyhow.

Now they deposed that they were employed for 5 months, and that they received an advance of 10 Rupees, and that they did not complain to the Deputy Collector on the subject.—Vide para. of Mr. Comyn's letter. 4 Vetties said that they were employed for 2 or 3 months. One of the Vetties Ayagadu asked the Deputy Collector and received an answer that he was a Vetty, and that was enough. Now they deposed that they were employed for 6 months. Ayagadu deposed that when he complained to the Deputy Collector, he did not see towards him.

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deposed he did. The depositions of these potmakers contain several conflicting and improbable statements which render their evidence incredible. I now beg to refer to the evidence of Vetties Kotadu, Venkadu, Ayagadu and Pentadu. Vetties depose that they all (6) in number worked for 6 months during the time the bricks were made. Nothing is necessary to show that their evidence is false, since it is evident there was no work for them for six months. As it is deposed that husk was used in making bricks, it is manifest that if one Vettyman had brought some baskets of husk on one day, it would suffice for several days work. This was the work they had until the bricks were ready for being burnt—even after that they had not much to do as they had only to bring bratties, &c. Supposing the Vetties were employed in cutting the wood (which does not appear to be true) at any rate it would not take time for 6 Vetties for more than a few days. P. Narsia, Balam and Lingareddy (witnesses for prosecution) state that the Vetties were paid batta for the days they worked. One of the Vetties Satulury Kotadu deposed that he was not allowed by peers to complain to me, while Satulury Venkadu stated they all (6 Vetties) inclusive of Kotadu complained to me, and that I said, that as they were Vettymen no cooly would be paid them, while another Vetty Boraga Ayagadu stated that I did not see towards them. Another Vettyman S. Pentadu stated that he did not complain to me. The Vettyman Venkadu and Ayagadu stated that they complained to me when the walls of portico were being raised. These contradictory statements of the Vettymen prove that the assertion that they complained to me, and that I afforded no redress is totally false. As for chunam no evidence is brought forth to show that Vetties have brought that article—even the Vetties themselves did not state that they brought chunam as was alleged by the prosecution. Ganapa Pullaya deposed that he gave husk and bratties for burning bricks, and that those things were not always sold in his village. The portico which was built upon the site bought in May 1866 is said to have been constructed between the 8th May 1866 and some part of January 1867. During this period I was at Masulipatam and other stations. I never repaired to Chilkalurupata or Komaravallepadu till April 1867. Here your honor will perceive that what was done in my absence is spoken of as having been done by me in person, which must in consequence be a false statement. It is physically impossible that my residing at Masulipatam and other stations on the one hand and my speaking to the Vetties, &c. at Chilkalurupata on the other are simultaneous. This alone is quite sufficient to convince your honor that much of falsehood has been introduced into the evidence at the instigation of others with the sole object of injuring me. Mr. Thornhill the Collector held the Zamabandy of Rajapett Taluq in January 1867 and halted at Rajapett for about 20 days. I trust that your honor will perceive that if any one had been compelled to work against his will or to give up any thing, he would have brought the same to the notice of that gentleman at least when he personally inspected the portico. If any thing had been done for the improvement of the temple, it must have been done by P. Narsia the admitted trustee, and the inhabitants who have been from the very commencement devoutly attached to it. There is no reason why I should have taken more interest than any of them, and extort labour and money from others, thereby exposing myself to the dangers of being subjected to ignominy at the hands of Government. Can your honor possibly imagine for a moment that I would bring my official power to bear upon these men; be it remembered not for the sake of filling my pocket, but to obtain a few bratties worth a farthing, and a basketful of worthless paddy husks at the risk of sacrificing my past 35 years faithful service. Had my thoughts turned towards acquiring wealth either for filling my pocket or for the use of the temple by dishonest means, does your honor think that a basketful of husks of paddy and similar other trifling and worthless articles would attract my attention? I would have amassed thousands of Rupees as men guilty of corruption have done. I did nothing of the sort. I therefore hope your honor will consider that I never used my official influence to get such worthless things. Grandi Serwasem, whose nephew was punished by me was not required by Prosecutor to produce his accounts, but he of his own accord produced them. They are on loose palmira leaves, and as such are apt to be easily fabricated. The items in those accounts do not seem to have been entered contemporaneously with the facts to which they refer. This fact very materially affects the weight (if any) to be attached to them. Some of the items which seem to relate to a few payments made to one Balam extend over a period of 5 or 6 months. It is not indispensable that he should stop at Chilkalurupata during the whole period to receive these payments. He deposed that he was coming and going to that village, and so he could have received these payments if true at intervals during his stay there. Balam having applied for further leave in addition to his privilege leave and occasional sick leave, I

appointed a substitute on full salary and granted him 3 months' leave. It will be manifest that any public servant, who is on leave may look after any business he may choose, and that his official superior has nothing to do with him until his return to duty. Peon Mahamed Khasim deposed that he used to stay 5 or 10 days at Chilkalurupata and then go to Taluq. He did not say that he came there under my orders. This peon states that another Peon Mikala Adeppa used to remain for some days more. As that Adeppa died before he was examined as a witness in this case, it is now impossible to ascertain the exact time he staid whatever others may now say about him.

In support of the defence several witnesses have been examined. It is deposed by Garlapate Gurrappa and Ganapa Kotappa, two Komatees of Chilkalurupata that they have paid batta to the Vetties, &c. In this statement they are supported by Vedathala Sevaramudu, Motheram, Papa Naick and Chella Venkatappaya and P Narsia. It is proved by the evidence of Tota Gopia that the village Vetties render their services in the works required for village goddess and village temples, and that they are paid batta for it, besides what they receive in the shape of fees from the village royts, &c. As for the bricks made by potmakers and their remuneration, evidence for the prosecution is vague and uncertain. The charge alleges that they were paid very inadequately for their troubles. Tota Gopia, Boppudy Venkatarayadu and Vedathala Sevaramudu have clearly deposed that they had bricks made at the rate of 8,500, 8,600, 8,700, &c. for 4 Rupees. Therefore it is manifest that the rates to which the potmakers of Chilkalurupata agreed are usual ones. It is proved by the evidence of Kristnasomayajuloo that the potmakers of other villages whom he sent to aid the potmakers of Chilkalurupata informed him of their having received a proper rate of hire for the bricks made by them. From the evidence of Tota Gopia, it appears that several bandy loads of firewood were given by him at the request of Narsia, and that hire was paid to the bandymen employed to carry it to the brick field. It was further stated by him that the wood was so broken up as not to require the further labour of Vetties to split it up. Vedathala Sevaramya who attended to the brick burning says, that the Vetties

were paid batta for the other work they had done, while the 10th, 11th, 12th and 13th witnesses deposed that the wood they had brought to the brick field was such as required no further breaking. Now there remain the paddy husks and bratties, two worthless articles of which

10th W. Byra Sashia.
11th W. Tota Sashia.
12th W. Vidathala Narsimlu.
13th W. Da. Cotapa.

nobody complains. On this point one witness named Ganapa Pullaya examined for the prosecution said, that he gave a basketful of each of the above articles. His father Ganapa Kotappa called by the defence states that they are worthless articles made use of for no purpose in his village, and were freely given away by the villagers—he further deposes that husks are thrown away as useless, and as a basketful bratties is worth but a farthing, they are sold by nobody but are given gratis to anybody who may ask for them. Even with respect to these worthless and trifling things, there is no evidence to show that I took any interest to influence the Komatees to give them. It is proved that Moteram and G. Papa Naick, peons of the temple have been superintending the work. I trust that your honor will perceive that 2 peons of its own are quite sufficient to manage the work of the temple, and that if any Circar peons had looked after the work during the time they came there on duty when they had no public work to perform, it is attributable to their desire to render service to the god in a work dedicated to him. I hope that the above circumstances are quite sufficient to convince your honor that the 4th charge is unfounded.

CHARGE V.

I now beg to proceed to defend myself against the 5th charge. I am accused of having caused a Konaru or square tank to be excavated in a garden said to be mine situated on the banks of Ogaru, of having obtained stones for rivetting the same from an old well at Chilkalurupata, and of having caused these stones to be brought to the said garden without the payment of any consideration for either the stones or their carriage. I am charged with having forced the villagers to supply bandies and bullocks for the conveyance of the said stones through the instrumentality of Balaram and other public servants. I protest that the garden is not mine, and the square tank was not excavated by me, the stones for rivetting the same were not obtained by me, nor did I cause them to be brought to the said garden by means of unpaid labor. I did not employ public servants, neither did I direct them to use force, nor did they in fact use any such force to prevail upon persons to work against their will. This is another false charge I have to meet. The name of the god is omitted to whom the tank was dedicated by the Durmacurta of the temple, and the prosecution makes me the owner of the garden and the tank in it, which in fact had never been mine and never constructed by me. In the 4th charge P. Narsia has been left out, and here the god is also left out. Perhaps the prosecutor considers that by such omission he would render the case the stronger against me by representing that they were done for my own benefit. Therefore the first point for enquiry is to whom does this garden belong with the tank in it. It is attached to the temple, and P. Narsia is the manager of it.

* Marked AA.

This is an undoubted fact supported by documentary evidence (see Exhibit* dated 16th September 1862). It shows that P. Narsia applied for and obtained one acre of land from Mr. Horsley, the then Sub-Collector of Guntoor when Rajapett Taluq was under the Sub-division. When the garden is not mine, the rest of the charge need not be answered. There is nothing to show that it is mine. Nobody conveyed stones on my account, and no force was used in my name. The smallness of the Konaru and the rough work it contains show that the tank might have been constructed in 5 or 6 days. If the public servants (peons) had superintended the work in addition to the 2 temple peons, they might have done so from a motive of rendering service to the god when relieved from the calls of public duties. It must be considered to be entirely voluntary on their part. Balaram took leave, during which even if he had done the alleged work it could not have been illegal. He said, he did not wear his belt.

The western taluqs being hilly abound with stones every where, which therefore are of little value in those quarters. Of the witnesses examined for this charge, M. V. Ramania and N. Janikeramudoo are the persons who were punished by me. Their evidence, I hope will be received with the weight it deserves under these circumstances. Mahamed Kasim deposes to the effect that he did not know whether the stone drivers, tank diggers and bricklayers were paid or not. He does not say that any of them was compelled to work by official influence. P. Narsia deposes that the villagers helped him in carving the stones of a ruined well which were taken with the consent of its owner. There is no evidence to the contrary. No person is brought forward to say that he was made to give up stones without consideration being paid, or that stones were taken without his knowledge. This is the best evidence which the nature of the case will admit of, and the omission to bring such evidence carries with it great suspicion about the truth of the charge.

Of all the witnesses cited, Lingareddy (headman of Chilkalurupata is the only one who is said to have driven a bandy load of stones. There is not a particle of evidence in his deposition which proves that force was used. He speaks to this effect: "Narsia sent us to bring stones, no officials (peons) accompanied our bandies." Now where is the evidence of non-payment of consideration or extorted labor?

Hence, from utter want of original and creditable evidence this charge cannot be maintained. Generally it is not objectionable to apply the materials of one charitable institution to another, when time brings the former to ruins. (See exhibit L.) order issued by L. Venkatappaya, Acting Deputy

Exhibit marked L. Order dated 23rd October 1868, No. 553, to the Tahasildar of Rajapett permitting Ateure Bremia of Nursarowpetta to take 25 stones of the ruined temple at Koonkalagounda.

Collector. To hold it to be otherwise would be absurd and opposed to the local usage as said by Chenda Cotaya, a witness for the prosecution. The matter is an ordinary one. If the tanks at Guntoor, Mangalagery, Venukonda, and Sevaganga in Bunder, be observed, there will be found thousands of stones belonging to some former works used for rivetting them. Messrs. Newell and Rhode, who were once the Collector and Civil Judge of Guntoor respectively erected buildings on the hills of Condaveed with the hewn stones obtained from the ruined works which formerly existed in those parts. There is not a single house, I believe, in the hilly country that has not stones used as a material in its construction. The stones lying above and underneath the ground are the common property of all, unless some exclusive right be established in any one, any one may go to the Taluqs of Jagaiappett and Palnad and fetch any number of white stones he pleased, except those which others may have already taken possession of. Now I beg to ask has any one complained that his stones were taken against his will, or that he was compelled to drive stones to the Konaru, or that he was not paid for the labour undergone by him an account of the Konaru. I trust that your honor will consider this charge to be unfounded, as there is no such complaint, and that the evidence of the Vetties that they compelled ryots to drive stones to the Konoru is not credible. To disprove the allegations made by this charge, Tota Gopia, Choragudi Janikramaya, Pleader of the Moonsiff's Court, Tyyaguru Krishtnareddy, Village Moonsiff of Chilkalurupata Challah Venkatappayya, Kurnam, Mooteram and Papanaik, temple servants, Nundapati Avataracharulu have been examined as witnesses for the defence. The title deed (exhibit AA) is produced, and the garden is shown to belong to P. Narsia. It is proved by all the above witnesses that the Konaru was excavated by P. Narsia, and that none were forced to do any work and that I had taken no part in it. Tota Gopia says that the Konaru is a very small one and must have been built at a cost of below 20 Rupees. It is deposed by C. Janakiramia that the inhabitants of Chilkalurupata are in the habit of carrying stones of the ruined well for rivetting wells and other works of public utility. The well has been in a ruined state for a long time, its side stones had also been removed before some were taken for the Konaru. It is also proved that no force was used, that no Government peons were employed to force labour. It was not shown by the prosecution from what other quarters besides the well stones were obtained, or how or by whom they were brought. Excavation of a Konaru or obtaining stones for rivetting the same, the stones being brought for the said purpose by

villagers of Chilkalurupata are not in themselves offences, for charity is not prohibited by law, but encouraged in every nation and in every country. Wherein does the offence which the charge pretends consist. Perhaps it is embodied in the expression that the said Lingareddy and villagers were forced by Balaram and other public servants to supply bandies and bullocks for conveying the stones in question. Certainly if this be substantiated, it will be an offence. None of the witnesses named for the prosecution said that any force was used. Lingareddy did not say that he conveyed stones from the well in question to Konaru. Besides Lingareddy, no other villagers who carted the stones have been examined. Kunda Kotapa and Gutti Veerappa, who are said to have brought stones, have been examined for the defence. They are inhabitants of Chilkalurupata, they state that they were asked by P. Narsia to bring stones on their bandies which they did for charity voluntarily. They admit that no one forced them and no peons accompanied them. The exercise of official influence on villagers through public servants having thus failed, there is nothing which tells against me. It is very improbable to suppose that such a small tank required the presence and superintendence of 3 Circar peons for its construction, as stated by the prosecution, while there were 2 temple peons solely devoted to the temple work. The Moonsif, Kurnam and the headman have deposed that no influence was exercised on the villagers, —I am confident that your honor will perceive that the 5th charge is not proved.

CHARGE VI.

I now offer my defence against the 6th charge. Here I am said to have improperly used my official influence and authority, (a), by obtaining without permission for the purpose of building a Mantapam, hewn stones, and pillars from the old Madhavi Pagoda at Muddirala by causing that to be pulled down and obliging the villagers by Taluq peons to supply free of cost bundles of straw to be placed under the roof thereof to prevent damage to the stones in being removed; (b), by causing these stones to be conveyed from Muddirala to Chilkalurupata on bandies supplied by the inhabitants of Muddirala, Kavour and Chilkalurupata, under the pressure of public servants without payment of any consideration; (c), by building a Mantapam in the said garden with the said stones together with others brought from Condaveed.

*Vide Document B. B.

This garden is referred to in A. A. Document given by the Sub-Collector.

I plead not guilty. The garden* wherein the Mantapam was built belongs to Polur Venkatroyudu. When the garden is not mine, the rest of the charge need not be answered.

As laid down by the prosecution the following points must be proved :—

- (a) 1. That I improperly used my official influence and authority.
2. That I obtained stones from Muddirala.
3. That some permission was required.
4. That such permission was not taken.
5. That Madhavi Pagoda was caused to be pulled by me for this purpose.
6. That the villagers were forced by Taluq Peons to supply bundles of straw.
7. That they did so (if they did at all) on my orders.
- (b) 1. That I caused stones to be conveyed from Muddirala to Chilkalurupata.
2. That I forced the villagers under pressure of public servants to supply bandies.
3. That these bandies were not paid for.
- (c) That I built a Mantapam with stones brought from Condaveed and other places.

Under (a) it is not stated in what manner my influence and authority were used, whose permission was requisite, whether of the Government or of the owner of the temple, and the permission of which of them was not taken. It does not specify which ryots were compelled to work or which peons were employed to supply straw.

Under (b) also the same vagueness prevails. It is not mentioned which ryots were pressed and by which public servants and which of them were unpaid, and what was the nature of such pressure. In the absence of any proof to establish these facts, the charge cannot but be viewed in any light other than it was not proved.

The 3rd part (c) apparently seems to render the building of Mantapam itself criminal. It is ambiguous which the prosecutor means to call illegal, whether the conveyance of stones from Condaveed, or the act of depositing them in the street.

Of the witnesses named to prove this charge, Kunda Cotapa and Gutti Veerappa, ryots of Chilkalurupata, were dispensed with by the prosecutor. The evidence of M. Venkataramania and N. Janikiramudu, both being

notorious characters and interested in my downfall, cherishing feelings of animosity against me for reasons shown in the introductory part of this defence, is not credible, and even what little they have said is hearsay and as such inadmissible. The evidence of Balaram Prasad and P. Narsia shows that no public peons were employed, no stones were taken without permission, no ryots were forced to supply either bundles of straw or bandies for the conveyance of stones, that no villagers were impressed by public servants, and in short that nothing illegal was done.

Another witness Yangara Kotappa states nothing beyond the bare fact of having seen some bandies carrying stones. Mohamed Khasim, a peon of Rajapett Taluq says, that he supervised the works in connection with the temple at intervals. He is not aware whether the bandymen who carried the stones or other workmen were paid any compensation or not. According to his statement the temple at Muddirala has been in ruined state for the last 20 years without the object of worship in it. It is not said by him or by any others that that he worked by my orders, or that the fact of his being employed in this work was brought to my knowledge. The evidence of Chandra Cotia is very nearly to this effect.

"It was talked that the Tahsildar got the temple pulled down, and that Chulam straw was collected from the villagers by Vetties. I gave a hundred bundles. I did not ask any hire, nor did I receive it. P. Narsia having asked for straw, the people willingly gave it. It was for the god Ramaswami's work. Nobody refused to give straw. I drove one bandy. I drove it as a charity to P. Narsia. He did not tell me by whom they were required. It is not advisable not to do what ten men told me when it was god's work. I am aged 70. Since my father's days, the Madhavi's temple at Muddirala has been in ruins. Other people used to take stones from the temple; the villagers take them without permission. They were taken by others also with the Carnam's permission. Before the temple was pulled down by the Tahsildar, it was almost destroyed and a small portion remained at the time. The temple stands in the Inam land of Muddirala Paradesy. The bundles of straw collected were returned to their owners who received them." By this evidence not only the 1st, 2nd, 3rd, 4th points under (a) and the 1st, 2nd, 3rd points under (b) are not proved, but what is essential is but disproved.

Singa Narasimlu, a ryot of Kavour, says to the following effect :—

"I did not bring stones from Muddirala. I gave a bullock of mine. The Village Moonsif of Cavour said that a bullock was required by P. Narasia who was said to be building a temple, saying, let each one of us assist in the work. I did not ask any hire, nor was I paid any. My bullock worked only one day from 8 A. M. to 4 P. M. I did not ask for hire, because they told me it was for the service of god." Another female ryot Adeluchmee of the same village deposes that she lent a bullock which was returned within 3 hours, that she did not ask for hire and that she did not see peons come to her village. Is there any evidence that goes against me, but on the contrary it negatives the allegations of the charge and counterbalances the testimony of Cotireddi who even does not use my name or represent me as having taken a part in the work. Last of all, comes the deposition of Lingareddy, headman of Chilkalurupata. He declares as follows :—

"That the Mantapam and others were constructed by P. Narsayya, that the Carnam of Muddirala was present when the stones were brought and that he did not ask for hire, and that he would not mind a quarter of a rupee. He said that the Vetties were paid for their work."

This being the whole evidence, your honor will find that none of the illegal acts with the commission of which I am charged are substantiated.

I never caused the inhabitants of Chilkalurupata, Muddirala, Kavour, and other villagers to be pressed or forced or obliged to supply bandies to carry stones by myself or any of my subordinate public servants under my directions. If P. Narsia had bandies supplied and got the bandymen to work, some gratis, and others for hire, as he deposed, and which is not expressly contradicted by any, I certainly could not have had any hand in it, and I should not be made responsible for it.

In order to negative this charge M. Paradasy, C. Venkataratnam, C. Venkatappia, B. Parantalu, C. Conia, T. Kodandaramia, Y. Guravia, and Y. Mangia, N. Avatarcharlu, G. Papa Naick, Moteram, Chulla Venkatappia, Teyyagooroo Kristnareddi, Village Moonsiff, Choragudy Janakiramaia, Tota Gopia have been examined on behalf of the defence in addition to the two witnesses Konda Kotappa and Gutti Veerappa, who were named, but dispensed with by the prosecution.

On the subject of removing stones from the antiquated and ruined Madhavi temple at Muddirala, M. Paradasy, its owner deposes that P. Narsia who was his old friend and Vakeel, had asked him for stones and he gave them ;

that the stones of this temple were being given for charitable purposes, since the days of his forefathers; that some stones were given for the temple of Sri Seetaramasawmi 25 years ago in the days of Venkapa Somayajulu Garu; that the temple in ruins had been pulled down long ago by a Zemindar, and that many Temples and Mantapams have been built with its stones.

Tota Gopia states that he had charitably obtained stones from the above witness for raising a support to the Mantapam in his village Purushotapatam. Boppudi Venkatrayudu deposes that Paradasi's father had freely given some stones of the temple in question to his father for the purpose of building a temple and tower, &c. To prove the right of a Durmakarta, to dispose of the materials of a ruined temple, Yalaswarapu Guravayya and Mangia and Karnam Kodandramia have been cited as witnesses, who state that they had charitably given stones of a ruined Mantapam to others for rivetting wells and building temples. Choragudi Janakirama, a respectable Vakeel of the Moonsiff's Court of Bapatla says, that stones were freely obtained from Muddirala Madhavi's temple with the consent of Paradasi's father by Venkappa Somayazulu Garu when he built the temple. Another witness Conda Conia, a Karnam of Condaveed, deposes that for the removal of stones lying in the occupied lands of Condaveed no sanction is required, and that his friend Narsia having once asked him for a large stone, he procured one for him from a Mahomedan ryot in his village.

It is absurd to say that permission of Government is required for obtaining stones lying in occupied lands or stones attached to ruined temples not under the care of Government, but entirely under the management of private individuals. If X shows that Acting Deputy Collector gave permission for a thousand stones, it be supposed that such permission was requisite, I was competent as a Deputy Collector to give it like other Divisional Officers who granted thousands of stones. It also appears that L. Venkatappa, Acting Deputy Collector, permitted stones to be taken from an old private temple.

The evidence of Moteram and Papa Naick proves that no public servants were employed in the temple work. From what they said, these men were appointed by P. Narsia to look after the works, and there was no necessity for engaging others.

The Carnam and Moonsiff of the village stated that the Mantapam, &c., were constructed by P. Narsia, that *I had taken no part in them*, and that no one in the village had been forced to undergo any labour by Cirkar peons at my instance or in my name.

Of the bandy drivers produced by the prosecution, one Lingareddi of Chilkalurupata was examined, and his evidence, instead of supporting the charge, weakens it by being favourable to the defence. He says: "Narsia sent us to bring stones, no officials accompanied our bandies. Narsia told the Carnam to send a big stone, the Carnam was present and caused the stone to be placed on bandies. For driving bandies I did not ask them any hire, and they gave me none. I did not mind it, since it was only a quarter of a rupee; other villagers also drove bandies. Some one, and others two. I do not know whether those men were paid their hire."

The evidence of the two other ryots of the village, Gutti Veerappa and Kanda Cotappa, clearly disproves the charge in all its particulars. They say that P. Narsia asked them to get stones from Muddirala and the ruined well for charity, and they did so willingly. No influence was used and no official accompanied their bandies.

For the prosecution three ryots of the village of Cavor were examined. Do they mention my name? Do they depose that I compelled them to bring stones and refused to pay their hire afterwards? No. One Singa Narsimlu states that he did not go to bring stones but lent a bullock of his for the purpose at the request of the Village Moonsiff and Karnam, who told him that they wanted the bullock for P. Narsia who was building a temple, proposing that each one of us should assist P. Narsia in that work; that he did not ask any hire, nor received any, because they told him that it was for the service of god to which we should render our assistance." This witness states nothing about the coming of peons to the village. He further says that what he had done was done with a motive to assist in the work of the temple. He does not speak of official force or influence. One Koterreddi deposes that peons were present, and that the Karnam and Village Moonsiff told him to cart stones and that he did not ask for wages and was not paid, and that he went only once. His evidence is partly contradicted by the evidence of the 2 witnesses, Singa Narsimlu and Adi Lachmee, and out-weighed by the testimony of the Village Moonsiff and Carnams of the same village who have been examined for the defence. They distinctly deny

the presence and influence of Cirkar men, and assert that P. Narsia had asked the ryots to do him this favor which they did freely and charitably of their own accord.

According to their evidence, no Cirkar peons were sent to their village. Even against the weight of the above evidence, if it is to be assumed that a peon might have been sent just to remind them, still there is no evidence to connect that peon with me.

The evidence of Vangar Cotappa, who simply says that he once saw bandies conveying stones proves nothing—the bare fact of bandies being laden with stones for temple work not being objectionable.

The evidence of Balaram Prasad, P. Narsia and Chanda Cotappa shows how unfounded this charge is.

From the nature of the evidence above set forth, it will appear that none of the points of this charge have been brought home to me, but on the contrary that the said acts were not done by me (if done at all) but by P. Narsia. From the above circumstances I trust that your honor will consider that the 6th charge is unfounded.

CHARGE VII.

As this charge has been withdrawn by the prosecution after the attendance of all the witnesses cited for the prosecution and their stay at Masulipatam for some days, it is unnecessary for me to defend myself against it. The reason of such withdrawal is best known to the prosecution itself.

CHARGE VIII.

I am charged with having arbitrarily and improperly used my official influence and authority in causing through P. Narsia, the trustee of the Sri Sitaramaswami temple, a tax to be levied on bandies laden with merchandize, entering or leaving the said village, the said tax being one not recognized by or having any warrant of law, and the imposition and lease thereof in consequence illegal.

I repeat here what I have already stated that I am innocent of acts laid to my charge.

The voluntary contributions of generous-hearted men are termed by the prosecutor a tax, a very apt appellation indeed it is. It is no tax, since no rules have been framed, no penalties have been prescribed to be levied in default of the payment thereof. If it is a tax, it must have, in its operation, offended some at least. Did it offend any here, and did they complain to anybody? Please consider the religious piety and devout zeal that pervade the native community whoever sympathize with such institutions as pagodas, calculated as they are in their opinion as the means of obtaining heaven. Is it not more rational to suppose that it is a voluntary contribution? The merchants of Chilkalurupata had long been from the commencement of the temple (about 24 years) supplying rice and other things required for the daily offerings of the pagoda. They have been paying for the celebrations on festival days. After lapse of time, they appear to have preferred the practice which prevails in other large villages and towns. This is not peculiar to this particular locality. It exists at Bunder,* the Head Quarters of the Collector for 40 years. The same practice prevails at Guntoor,† Sattanapally, Mungalagery, Venukonda, Narsarowpet, Bellamkonda, Juggiahpet, Ellore, Cocanada and similar other localities. It is strange that the gratuitous offers of devout Hindoos should be called a tax. Instances of this kind are abundant in every country and amongst every people and in every age. In this country this practice has been of long-standing. It is co-eval with the institution of religion, and still accompanies it wherever it is found. Your honor may have heard of Tirupaty. There, hoards of treasure, jewels worth lacs of money accumulate in the exchequer of the god. The history and wide-spread influence of Cotapakonda and Dwaraka Tirumala are in every man's knowledge in this district. The amount of collections at these two places are amazing, myriads of pilgrims are collected, all in the course of 2 or 3 days. No Tahsildar or Peon is required. Neither encouragement from non-official persons is necessary. These are a few among the numerous instances that could be adduced. This habit of Hindoos of contributing to the charitable institutions in a lasting mode is in unison with the injunctions of the Hindoo law (Mitakshara on Inheritance, page 432. Corrody. So many leaves receivable from a plantation of betel, pepper, or so many nuts from an orchard of areca.)

*Vide Documents D. E. F.
†Vide Document S.

As for the act of leasing out, I beg to add that this practice also prevails at other places as in this very District. We know there are men who insure ships and even the lives of persons. It must be admitted that no one knows for certain how long any person will live, or how many of a given number of ships will reach their destination safely. But they calculate upon probabilities, looking at the age and health of the persons and the strength of the ships to be insured. Here, in the case of the contributions too, they proceed in a similar way and guess at the

probable amount of money that may be collected by knowing in what estimation the temple is held by the people around and how important such people are in their wealth and commerce. So the lease now under consideration is founded upon probable calculation, and if any of the contributors is to withhold the payment of his quota (no one will do so as it is voluntary on his part) the lessee will suffer or the lessor will grant him remission. But at all events no compulsion will be used to cause an unwilling person to pay. P. Narsia has clearly admitted on oath before the Court that as he had many other avocations to attend to, he deemed it expedient to lease out the proceeds in the said manner, the system being no where interdicted. I must repeat that I had nothing to do even with the system. It was introduced by the Padda Comaties and by P. Narsia. The charge alleges that through the instrumentality of the latter, I levied the so-called tax, which allegation is not proved by the prosecution, such religious donations have not been hitherto considered objectionable, and why then should these be regarded now in that light when they are perfectly analogous in every respect to those which exist in every locality as stated above. Above all, nobody complains against me, or any other person as having extracted from him a single farthing. Under these circumstances, it is astonishing that a charge of this nature should be brought against me. Five witnesses were examined for the prosecution, of whom 3 are Banians and 2 Bramins. In general, they say that a system of collecting fees was introduced, but none of them speak of the exercise of my official influence and authority or of their reluctance in giving their consent or of force being used in obtaining it. The prosecutor has not produced a single witness who would say that the fees he gave were wrung out under the influence of threats or fear. There is no evidence to show that the people felt it as a tax. Neither the existing law nor any future legislation would

B. C. O., page 60, 31st October 1865. "The only contribution which can be used towards the constructions or repair of Christian churches or chapels are subscriptions voluntarily given for that special object"

condemn voluntary contributions for charitable or devotional purposes. Therefore it cannot be said that it is against law and therefore illegal—when the collections are not illegal, the method of renting them out is also not illegal. The Sadavurty of Chilkalurupata is leased out as well as the fees at Mangalagiri. The so-called toll system of Chilkalurupata was introduced there according to the custom of the country. The Danaputta is said to have been given by Comaties with their consent. Muddy Subbaya and P. Narsia say that I was not present and that the scheme was proposed and agreed to by the merchants amongst themselves. Grandhi Sarvesam states that I having assembled the Comaties of the village, proposed that fees might be raised for the regular performance of celebration, &c, that the Komaties went home, consulted and, on the next day, agreed and with deliberate consent executed the Danapatta specifying the rates. It is deposed by him and other witnesses that I was not present at the auction sale of fees and at the time they were leased out. They impliedly admit that no force is employed either at the introduction of the system or in keeping it in force. From the evidence, I trust, it will be observed that no influence or official power was brought to bear on the people. The practice in question is not an uncommon one. At Guntoor and other places the rates of fees levied seem to be higher, and the aggregate collections amount to thousands, but it seems invariably to begin with the merchants who are able and consequently willing to bear the expenses. The evidence for the defence is as follows:—Garlapati Gurappa, Copparvary Luchmaia (Witnesses Nos. 9 and 8), Mellacherovee Narssimulu (Witness No. 7), inhabitants of Chilkalurupata, depose that the system of collecting fees was introduced by the merchants, and that I exercised no influence and had no concern in it, and that they have been voluntarily paying the fees. They moreover state that all the Komaties of the village took interest in the temple of Sri Sitaramaswami, there being no other temple of Vishnu in that Pata. It is further proved that they had been in the habit of paying special subscriptions to celebrate festivals, and the act of collecting them having been found difficult, and the celebrations not having been regularly performed, they contrived this plan, which was not without precedents. Mellacherovee Narasimulu declares that the amount of special contributions used to vary from 150 Rupees to 200 Rupees; from the prosecution evidence, it appears that the amount of lease held by Maddi Subbaya is Rupees 200. The evidence for the prosecution is itself conflicting, some witnesses affirming my presence, while others denied it, on the occasion of a meeting at the temple. The testimony of those who speak in the affirmative, is not only contradicted by prosecution evidence, but is also counterbalanced by the witnesses for the defence, who with one voice declared my absence, and stated that I was not the originator of the system. If the contradicted evidence of those 2 witnesses be taken for truth, it will at the utmost prove that I invited them, held a meeting in the temple and addressed them on the subject. I trust that your honor will consider that when no official influence is exercised, meetings for charitable purposes are not deemed illegal.

The witnesses named in the margin are residents of Purshottapatam. They state that although they refused to pay the customary fees, they were not forced, nor were they threatened with any punishment by anybody. Kristna Somayajulu's evidence shows that his bandyman refused to pay the fee, and yet he was not compelled to do so by any one. Autukuri O. Devappa (Witness No. 5)

Beyra Sashu.
Tota Sashia.
Veddala Nursimlu.
Do. Cotapa.

and Chilkala Lakshmayya, both of Narsarowpetta, state that the practice of levying fees exists there, while Tadikamalla Subbaya deposes to the same custom at Venukonda, Senagapally Venkatachellum, Zooloori Apparow and Kaloori Sundaramaya, all very respectable merchants trading to the extent of lacs of Rupees every year, speak of the rates of fees levied at Guntoor for the support of the two temples and a chutrum, and that thousand Rupees are collected every year. The rates of fees at Guntoor are higher than those of Chilkalurupata and the system was started by merchants among themselves. They further allude to the rates of fees collected at Mangalagiri, Cocanada, Rajahmundry, Ellore, &c. Kruttiventy Narayanamurthy, a Gumasta of the Bunder temples, says that fees are collected on all bandies entering and leaving the Robertsonssett square. He further states that the practice received the sanction of the authorities under whose supervision the collections were made for a time. Chulla Mrutyangayudu says that he has rented the fees of Mangalagiri temple for an annuam of Rupees 400. This practice may be legalised by the Legislature if the Government are so disposed. The beginning of the educational cess in the country is fresh in every one's recollection; when the Honorable G. N. Taylor was Sub-Collector at Naraspoor, educational rate was agreed to by the people under his charge at his suggestion. It was afterwards legalised* by the Government. The evidence of the witnesses marginally noted proves that it is the practice of the Swamulavar (High Priest) of Mardhva Bramins to lease out the fees which he receives from his disciples. This will show that the practice of leasing out of the voluntary fees exists in the Hindoo community of several classes.

Vide Documents E. and F.

*Act 6 of 1863, Madras.

C. Janakirama.
N. Avataracharu.
Z. Apparow Puntulu.

Vide page 40 of the observations upon the new Stamp Law by P. Srenevasarow, Principal Sadr Amin of Vizagapatam. "The marriage Tax may be leased out on contract as the Hindoo Priests and Mohomedan Cazees have been occasionally doing in regard to the marriage fees due to them."

"Mahomedan Cazees also allow other Mussulmen to lease out the marriage fees due to the Cazees. In concluding my defence against the Charge No. 8, I beg your honor will, both from the weakness of the evidence for the prosecution as well as the strength of that for the defence, and the prevalence of the custom in this, as well as in other countries, as was shown above, consider the charge not proved against me."

CHARGE IX.

I am charged with having endeavoured to obtain from K. Dasia 4 Cuchellas (84 acres) of land as an endowment to the temple of Sri Seetaramaswami at one Cuchella for each of the four Inam villages rented by the said K. Dasia, and as I did not succeed in obtaining the above land for the purpose required with having taken revenge by attaching the produce raised in certain Poramboke land, to wit, the bed of a ruined tank at Gummadempad, being one of the villages, rented by Dasia on the unjust and untenable ground that Poramboke tracts were not included in Monoverty Inams.

I plead not guilty to this charge.

This and the following charge were preferred at the instance of K. Dasia who, with two more individuals, his nearest relatives and Karnams, was cited as a witness for the prosecution to this charge. The charge consists of 2 acts.—

1st. My endeavour to obtain 4 Kuchellas of land for the temple.

2nd. My attaching the produce of a certain tank-bed in revenge of my disappointment.

One of the said Karnams, C. Narsia, brother-in-law of Dasia, deposes to the fact of the attachment, which I admit and plead that it is consistent with the revenue practice as will be shown hereafter.

As this witness does not say any thing about my asking Dasia for the 4 Kuchellas of land for Sri Seetaramaswami, nor of my attaching the produce of the tank in revenge thereof, I need hardly say that his evidence goes against the prosecution, if not altogether in favour of the defence, since it is highly improbable that Dasia who was his nearest relative would leave the matter not related to him. I beg humbly once more to say that this Karnam's evidence is but favourable to the defence, and as such falsifies in addition the statements made by Dasia to some extent which are in themselves contradictory.

The 2nd Karnam Venkatappa, son-in-law of Dasia, was not examined by the prosecution for reasons best known to themselves.

Now remains the evidence of Dasia to be scrutinized. This individual deposes to my asking him for the 4 Kuchellas of land and of the attachment of certain Poramboke land in revenge of his non-compliance with my request. This is the only individual that deposed to the said points, the improbability, nay the falsity of which will be shown in the following few lines.

On the representation of Adapa Venka Naikudu that a certain Poramboke land was cultivated by the Monovertydars of Gummadampad, contrary to the then prevailing practice, I took notice of it and issued orders in January 1864 for attaching the produce of the said Poramboke and to keep it in deposit.

The Monovertyardar preferred an appeal against the order of the attachment to the Collector which has not as yet been finally disposed of.

An appeal* was preferred by the said Dasia to the Session Court of Guntur against my decision in Criminal Case No. 28 of 1865 on the Deputy Magistrate's file, sentencing him to a fine of Rupees 200 in the month of April 1865.

* Document E. E.

I beg to state that no mention whatever of the alleged revenge was made in any of the above two appeals. It is but natural that Dasia would have mentioned the wrongs he alleged to have suffered in the appeals against the very orders which were unfavourable to him in his opinion.

In addition to this presumption, in favour of my innocence, I beg to point out another improbability, if not the impossibility, of my requesting Dasia for 4 Kuchellas of land. He was a well known bad* character by the time I was said to have asked him for the Inam land in 1864. He

*Vide Documents O. and I. I. was dismissed from the office of Karnam for insubordination, which dismissal dates so far back as 10th October 1848. The then Collector of the late Guntur District observed in his memo. 4th June 1850, No. 303, that Dasia had been assisting the Aghaharamdars of Dasullapalli in their attempt to fraudulently obtain the Seri lands of Kondramutla, and mentioned this as one among the several irregularities of his conduct. The said Collector issued orders on the 2nd October 1852, to the then Tahsildar of Venukonda Taluq, strictly prohibiting the entrance of the said Dasia and 3 of his companions into the Taluq Katcherry, as they were found materially concerned in the bribes taken by Hassan Khan, another witness for the prosecution; it was in this light that Dasia was known to the public up to the year 1864, in which I was said to have requested him for an Inam. Nor were these the only facts that exposed him to the displeasure of those in authority; subsequent to this and in the year 1864, he was fined by the 2nd Class Subordinate Magistrate of Venukonda in the sum of rupees 30 for the use of abusive language towards the Monovertyardar (his employer), and in a sum of Rs. 8 for evading the payment of money to the Government for having cut wood in the jungle without permission.

On the death of one Gada Sanjevamma in 1839 without heirs leaving an Inam land in Kondramutla Village, the said Dasia and another claimed it as part of their Service Inam, but that assertion was found to be false on reference to public accounts, when they claimed it by virtue of a document alleged to have been executed by the deceased, but the Tahsildar found the document to be false one. The former Inam Deputy Collector recommended the inclusion of the Inam in the Seri land. The Inam Commissioner having referred it for further information, I furnished it, and concurring in the opinion of the former Inam Deputy Collector, I recommended the Inam to be included in the Seri land.

Such is the character of Dasia both prior and subsequent to the time I was said to have asked for a grant of an Inam land, and it is on the sole evidence of such individual this charge depends.

Besides his character which is to be taken into consideration in weighing his testimony unsupported by any other witness, I beg to show that the said Dasia entertains personal ill-feeling towards me, on account of his endeavours of getting the Inam of the deceased Sanjevamma which ought to have escheated to Government having been frustrated by my decision and on account of my having imposed on him a fine of Rs 200 as was explained above.

In concluding the summing up of the evidence for the prosecution, I beg to draw your honor's attention to the following 4 points worthy of notice, before any weight is attached to the evidence of Dasia.

1. His being the sole witness to prove the charge.
2. His bad character.
3. His bad feelings towards me.

4. His long silence for a period of 5 years as was explained above without mentioning my alleged request for the grant of an Inam either to the public authorities or even to his own nearest relatives.

As to my order of attaching the produce of the said Poramboke, I beg to state that I feel fully justified in issuing that order as it was consistent with the then prevailing practice.

Prior to the circulation of the Inam Commissioner's letter, dated 4th October 1865, it was a well known fact that all the authorities were doubtful whether the Aghaharamdars had a right to cultivate Poramboke lands free of assessment.

Vide Document G. G.

To show that it was usual to take notice of such complaints as was made by A. Venka Naick that the tank-bed forming part of Poramboke land of an Aghaharam was being cultivated, I beg to refer to the order of the Head Assistant Collector of the late Guntur District, dated 17th December 1845, wherein he objected to the Tahsildar having allowed the Aghaharamdar to take the produce of such tank-bed on executing a document to abide by the orders that may be passed on the subject and declared his (Tahsildar's) act to be partial towards the Aghaharamdar and directed him to take respectable security from the Aghaharamdar for the value of the produce permitted to be removed.

I trust that your honor will perceive that I acted according to the practice that existed in the District, and that the Monovertyardar having appealed to the Collector upon the order for the attachment, I was bound to await the orders of the Appellate authorities.

The fact of the Collector not having passed final orders upon the appeal immediately, shows that my orders for attachment were not illegal.

In conclusion, I hope your honor will find that I am not guilty of acts enumerated in this charge.

CHARGE X.

I am charged with having in my capacity of Inam Deputy Collector, in consideration of the grant and assignment of 4 Kuchellas (84 acres) of land in the village of Gummadampad for the support of Sri Seetaramaswami's temple in the name of Gudlavelletee Sriramulu or otherwise, improperly cause or endeavoured to cause the quit-rent on the said Monovert Inam village to be fixed upon the Dowl of Fasli 1272 which amounted to Rs. 600, without taking into calculation the assessment of the subsequent Faslies which was very much higher, and that in so causing or endeavouring to cause the quit-rent to be fixed on the Dowl of the said Fasli 1272, with having caused or endeavoured to cause certain Poramboke land specified in Charge 9 to be included in the Inam, the said act being in breach of my obvious duty to the Government and to the detriment of its interests.

The Inam Commissioner on reviewing the Inam sheet sent by me regarding the village of Gummadampad having observed that I was correct in having treated the bed of the tank as Inam which was deemed an offence in the original charge, the Prosecutor has amended the charge to the following effect under Section 20 of Act XXXVII of 1850.

That I endeavoured to cause the quit-rent to be fixed upon false data as they were not obtained from recognised accounts and were even declared by myself in an official document to be unreliable, notwithstanding I had after survey of the lands of the said village arrived at a far higher estimate of the assessment and ascertained that the collections not only fulfilled but exceeded that estimate, the said act being in breach of my obvious duty to the Government and detriment of its interests.

To sustain the charge the following points are to be proved:—

1st. That the 4 Kuchellas of land were given to Sri Seetaramasawmi as a consideration.

2nd. That I showed some undue favour to the Monovertydars in fixing the quit-rent. 11 witnesses were named to prove this charge, of whom 8 were dispensed with; the remaining 3 witnesses Chintapalli Narsia, a Karnam, A. Venka Naick and C. Dasia were examined. Adeppa Venka Naick deposes that Dasia having annoyed the Ryots, he complained to the Tahsildar of Venukonda that some of the fields cultivated were omitted to be entered as such in the accounts, whereupon the measurement alluded to in the charge was ordered to be made. This proves none of the above two points.

Chintapalli Narsia, a Karnam deposes, that he never heard of the grant and assignment of the Inam land to Sri Seetaramaswami in the name of Gudlavelletee Sriramulu, nor was it ever a matter of rumour in the said Village of Gummadampad of which he was a Karanam. He further deposes that the accounts he furnished to

me for striking the average and fixing the quit-rent of the said village were correct ones; and that the Monovertydars never collected the amount even approximating to the estimates made by Seshachellam which far exceeded the rates usual in the village.

This evidence, too, taken by itself not only goes against the prosecution, but also tacitly proves my innocence and the legality of my acts. The remaining witness for the prosecution, named Kondrumutla Dasia, whose general character as well as personal feelings towards me, have already been explained in my defence to Charge IX, deposes that when he was in the house of a certain individual, G. Sreeramulu, the alleged grantee of the Inam of 4 Kuchellas brought and showed to him the Danapatta or deed of gift, and that he perused only 2 or 3 topmost lines, when Tirumalla Janakiramayya, Gumasta of the Monovertydar took the deed away from him at that stage. He also states in the cross-examination that he happened to glance his eyes over the expression of "4 Kuchellas in the body of the deed."

As to the accounts furnished me for fixing the quit-rent, he admits the affixing of his signature to some of them, and states that he rented the village for only 508 Rs. per annum, and that he is going to sue the Monovertydar for the profits he would have derived during the time he was deprived of his possession of the village as a renter. He also admits that although Pullari was estimated at Rupees 406 in the estimates prepared by T. Seshachalam, the Monovertydar could not have realized that amount; that realized being only 20 Rupees as has been stated by Karnam C. Narasia. Although this witness Dasayya's evidence needs no comments for reasons already explained in my defence to charge IX, I beg to show the improbabilities of the truth of his contradictory statements.

1st. The deed of gift would not have been executed in the name of G. Sriramulu who was in no way connected with the temple.

2nd. This document if existed at all would not have been left unregistered, as its registration was compulsory under Clause I, Section 17 of Act XX of 1866 called the "Indian Registration Act."

3rd. The Inam if it was given would have been entered as such in the village accounts and Inam registers.

4th. G. Sriramulu would not have shown the deed of gift to the witness Dasia who was known to be the avowed enemy as well of the Monovertydar as of myself, through whose influence the Inam was said to have been granted.

5th. If G. Sriramulu was a mere puppet in my hands, he was not the person to be in possession of the document, nor were his alleged enquiries necessary as to the locality of the fields of superior quality in the said village after the Inam was once given and the deed of gift executed.

6th. His happening to see only the first 2 or 3 lines in the top of the deed and the words "4 Kuchellas" in the body is similarly improbable, and the statement as to this fact is a designed one.

7th. If the alleged grant was made and deed executed evidence of a far superior nature to the one adduced would have been brought forth such as the writer and attesting witnesses of the document as well as the grantor of the Inam. The enjoyment of the Inam also would have been proved.

The prosecution alleges that I showed some favour in fixing the quit-rent at a low rate in consideration of the grant and assignment of 4 Kuchellas of Inam. But as the prosecution has totally failed to prove the alleged consideration that there cannot possibly be the favour alleged to have been shown by me to the Monovertydar is but a natural presumption. I beg to add that the rate and amount of quit-rent I recommended show rather a disfavour towards the Monovertydar than a favour, for the following reasons:

1. I recommended $\frac{1}{4}$ quit-rent which the Inam Commissioner was pleased to reduce to $\frac{1}{8}$ th.
2. I did not recommend the taking away of the addition made by the Zemindar to the original Jodi which was usual in cases of other villages under similar circumstances.

It will be manifest to your Honor that this charge has been prepared in ignorance of the way in which the calculation of cist is entered in preparing Inam registers.

If the prosecutor had shown the amount which he considers to be the true data for fixing the quit-rent and then compared the figures given by me, I would have an opportunity of pointing out his error or showing the grounds under which I have entered the existing figures; as he has not done so, it is unnecessary for me to dwell longer on the subject.

It has been the practice in the Inam Department to fix the cist of an Inam village by striking an average of the cist for a number of years.

In the Inam statement filed by the Monovertydar in July 1863 when Dasia was under his service, the cist was entered as far as Fasli 1272 and the average was struck at Rupees 438-2-0. This average having appeared to me to be too low, the Karnams were required to produce the accounts of subsequent Faslies. They having produced the accounts for Fasli 1276, and stated that they had no accounts for Faslies 1274 and 1275, the cist of the Faslies 1273 and 1276 for which accounts have been forthcoming was also entered and the accounts for 1274 and 1275 were not forthcoming either from the Karnams or the Taluq Katchery. The cist for these Faslies was not entered; and the average was then struck on calculating the cist of the subsequent Faslies also 1273 and 1276.

Although this Inam village is an old one of 50 years, still I recommended *one-fourth quit-rent* (294 Rupees) including former Jodi, and the following is the explanation submitted by me to the Inam Commissioner, when he required me to explain the cause why I recommended *one-fourth quit-rent* instead of *one-eighth*.

"The Monovertydar's Vakeel represented that this village is not liable to quit-rent more than $\frac{1}{8}$. Dasia, who was dismissed by the Monovertydar argued through anonymous petitions that this is liable to $\frac{1}{4}$ assessment. I told the Vakeel that his request for *one-eighth* would be considered if he agrees to the highest rate of assessment quoted, that is for Fasli 1276 (vzi. Rupees 788) that would be 838 after adding 70 Rupees for tank-bed; for this *one-eighth quit-rent* would be Rupees 289 including 203 Rupees Jodi. The Vakeel argued that while it is the practice of the Inam Department to fix the cist of a Mokasa village upon average of several years, it would be unjust to select the highest rate of one year, and that I should confine my calculation to the date on which the statement was filed. As it is just that the average should be calculated for some years, I thought it proper to fix a quit-rent of 294 Rupees which is $\frac{1}{4}$, leaving the parties to appeal to the Inam Commissioner."

I trust that it will be manifest to your honor that the $\frac{1}{4}$ quit-rent I proposed would be equal to *one-eighth* rate if the highest amount of assessment according to the cist of 1276 be taken into consideration. If I were to propose *one-eighth quit-rent* on the highest rate of one year without fixing the average from the cist of several years, I would have no precedent for it or ground in the event of the Inam Commissioner calling for explanation for deviating from the practice observed by me and other Deputy Collectors in the Inam Department.

The object of measuring the lands was to ascertain the real extent of land cultivated or under the occupation of the ryots. The same was found to be acres 753 by the measurement account.

In the Inam register* I entered 866 acres as found by accounts of subsequent Faslies. The rates of assessment entered in the measurement account are not those which the ryots have been paying to the Monovertydar. Consequently their cist entered in it is of no use; as it is the amount which the Inamdar receives is to be entered in the Inam register.

I trust that your honor will perceive that in fixing the quit-rent I never acted to the detriment of Government interests; but rather acted unfavourably to the Inamdar in recommending for *one-fourth quit-rent* instead of *one-eighth* as was reduced by the Inam Commissioner, and that the two points into which this charge was analyzed in the early part of the defence against it have not been proved from the weakness of the evidence for prosecution, and that I am therefore not guilty.

G. Sreeramulu the alleged grantee of the Inam, and T. Janakiramaya have been cited as witnesses for the defence to show the falsity of E. Dasia's statement.

The prosecutor having applied ^{that} for a memo. of the days I was at Komaravallipad (Rajapett Taluq) may be prepared, you have been pleased to order one, his object being to show that I was there to superintend the temple work. Of the works referred to in these charges, car and car portico are large works, while Konaru and Mantapam are small works.

The car was built in 1863. The witnesses deposed that it took about 5 or 6 months to finish the work. During 4 months I was absent on pilgrimage. The portico was built from 8th May 1866 to January 1867, during which time I never visited that station.

The Konaru and Mantapam being small works at a cost below 70 or 80 Rupees, which can be done in a few days, I trust that your honor will perceive, that there is no connexion between my staying there and the works.

Letter dated 27th July 1865. I should not omit to mention that Venukonda and Palnad are at times unhealthy, and it is desirable that the Deputy Collector should have the means of moving his office at such times to the more salubrious climate of Rajapett.

In the month of May 1865 I was in charge of the Head Assistant Magistrate's Division, and enquired into a case of gang-robbery, which was ultimately committed to the Guntur Session Court. As I was named a witness in that case, I was obliged to go to Guntur twice, once in August and once in September, for which purpose I did not proceed to Venukonda, but remained at Komaravallipad, which is nearer to Guntur than Venukonda, and which is within my Division.

In the year 1866, I was engaged in making the Jamabundi of that Taluq. Your honor is well aware that the Board in their Proceedings of 20th March 1863, observed that the Collector is at liberty to hold the Jamabundi of a Taluq at any village convenient to himself, bearing in mind, the convenience of the general public.

Vide Document, U.
1256, Mr. Newell.
1257, Mr. Stokes.
1264 } Mr. Gordon.
1265 }
1269, Cuddapa Venkoba Row.

I beg to annex a copy of para. 8 of the letter of the Collector to the Board of Revenue, which shows that the climate of Rajapett Taluq is a more healthy one than that of the other 2 taluqs under the Deputy Collector, and which accounts for my staying in that District at times.

To shew that I am not the only officer who selected that village as Jamabundi station, I beg to state, that Cuddapa Venkoba Row Puntulu, former Deputy Collector, made the Jamabundi of Fasly 1269 in that village, and that Messrs. Newell, Stokes and Gordon made the Jamabundies of several Faslies in that very village as is shown in the margin.

In the year 1867, while I was making the Jamabundi of Palnad Taluq, all my children, who were with me, were attacked with fever at Tummergeade, wherefore I was obliged to remove my camp to Macherla, where two of my children died of fever. Thence I went to Venukonda, where my other children not having recovered from the effects of fever, I proceeded to Komaravallipad, a healthier station, where I remained until they were able to proceed with me to Masulipatam. During my stay there, I was trying a house-breaking case of some thousand Rupees committed in that very village, which I finished there with my ordinary work.

The prosecutor having suggested that an estimate may be made of the works referred to in charges II, IV, V and VI, viz. Car, Portico, Konaru and Mantapam, your honor has been pleased to write to the Public Works Department to have an estimate of costs in their construction prepared. Although such an estimate may be useful to ascertain the value which the P. W. D. officers may place on it according to the present value of the materials, still, I beg to bring to your honor's notice that houses and other works done by private individuals are done at a much cheaper rate than the estimates of the P. W. D. officers. As an instance of this, I beg to state that the private individuals take contract on the estimates of P. W. D., and execute the work and obtain much profit for their labor. Moreover the works exclusively intended for charity, such as Temples, Gopurams, Mantapams and Choultries are cheaply done than the houses and other works intended for private use of individuals, as it is the custom of natives to contribute to charitable purposes, either in money or in materials and other assistance, such as bodily labor in consideration of the nature of the work.

Consequently the present estimate of a charitable work done some years ago does not afford a reliable information regarding charitable works.

For instance, when car celebration is made, several persons volunteer their unpaid services in dragging the car, by its ropes, so that the car may pass through all the streets with the procession. This is a well known fact and undeniable. Further, where large beams or big stones are to be lifted up when constructing the charitable works, people will willingly attend and afford their unpaid assistance, while they refuse to do so, in case of private houses, &c. unless they are paid for their labor.

It is a rule of the Hindu Law that a man who makes a charity ought not to reveal it. Consequently, persons who perform charitable works would not keep regular accounts for fear of the total amount being known to others—P. Narsia the 1st witness for prosecution, having been called on in his examination to state the amount he expended towards the charitable works, he stated the probable amount from his mere memory.

I submit for your honor's consideration, whether this amount may be compared with that now entered in the P. W. D. estimate as is requested by the prosecution.

P. Narsia got the car built, while he was a Pleader in the District Munsiff's Court of Bapatla. After he was appointed a Pleader in the Zillah Court in 1864, and his eldest son was appointed Pleader of Bapatla Court, he commenced the portico work, &c.

I submit for your honor's consideration the following circumstances, and leave it to your honor to consider if there was not a conspiracy against me.

I made over charge of my general duties and entered in the Inam Commission in November 1867. Mr. Wilson was in Nursarowpetta Taluq from 12th February to 23rd February 1868. Although the complainant M. Venkatarania is an inhabitant of Nursarowpetta did not present any petition to him. After the Acting Deputy Collector L. Venkatappaya returned from Madras in January 1869, intrigues against me commenced, as the Inam work was drawing to close.

The letter* dated 8th February 1869, written by W. Lakshimpatti Sastrulu from Nursarowpetta shews that there was an intrigue going on against me; up to the date of this letter no enquiry was commenced. The Tahsildar of Rajapett presented his

resignation on 4th February 1869; M. V. Ramanaya presented his petition to the Sub-Collector in charge against me on 5th February 1869.

It is to be stated here, that up to the date of the presentation of this petition, the Gazette of 2nd February containing the appointment of L. Venkatappa as Acting Deputy Collector of Coimbatore did not reach Nursarowpetta.

After the receipt of the Gazette and a telegram from the Government that L. Venkatappaya, Acting Deputy Collector should join soon his appointment of Coimbatore, he proceeded to Chikalurupata on the 10th February prior to the arrival of Mr. Comyn the Sub-Collector, who came there on the 11th of that month and left it on the 12th idem.

M. Puradasi deposed that L. Venkatappaya, Acting Deputy Collector, hinted to him that he should depose that I asked him for stones, and obtained them from him, instead of telling the name of P. Narsia, who really asked them.

Avatara Charlu, in whose house the Acting Deputy Collector L. Venkatappaya resided, deposed that Hus-sankhan Saheb and others who were examined orally by the Sub-Collector went first to the Acting Deputy Collector's house, and that the Acting Deputy Collector after speaking to them took them to the Sub-Collector who examined them.

S. Purushottam deposed that he was first asked by the Acting Deputy Collector to present a petition against me, and that he refused to do so, and that M. Venkataramania has subsequently presented it. I reported to your honor in my letter of 31st March last, that Venkataramania presented this petition on the refusal of other persons to present it.

J. Anantia deposed that he was asked by the Acting Deputy Collector to be a witness in the matter of the petition of Venkataramania.

T. Badria deposed that K. Dasia took his food with the Acting Deputy Collector at Pydemarru. Dasia, although he denied having taken meals with the Acting Deputy Collector, stated that he put up and took his meals in the same house in which the Acting Deputy Collector resided, although there were many other houses in that village.

I beg to give briefly the character and the relative position to me, of the most prominent of the witnesses for the prosecution.

Vide Document B, Order issued by me to M. Venkataramania, Prosecutor's 2nd witness was the person whom the Sub-Magistrate of Rajapett. I had prohibited from appearing as Vakeel on account of his bad conduct.

M. Janaki Ramudu Prosecutor's 4th witness was punished by me in a fine of 50 Rupees for making false report.

K. Dasia Prosecutor's 33rd witness was punished by a fine of 200 Rupees besides his other convictions by the Sub-Magistrate.

G. Survasa, Prosecutor's 7th witness his nephew was punished by me by imprisonment and fine.

Hussankhan and his 2 brothers, Prosecutor's 26th, 27th and 28th witnesses. The Hukum of the Collector of Guntur, dated 2nd October 1852, shows that Dasia was an intimate friend of Hussankhan in taking bribes; this is sufficient to shew that Hussankhan will not hesitate to support Dasia's designs.

Potmakers and Vetties.—These being men of lower orders do not hesitate to say any thing, such as Hussankhan and other influential persons might have wished them to say.

In the event of your honor considering the position of all the witnesses, I trust your honor will perceive that the witnesses for the defence and those for the prosecution that deposed in my favor are independent and far more respectable and trustworthy than those who gave evidence against me for the prosecution.

The Government were pleased to appoint Mr. Comyn the Sub-Collector, who made the first report against me as prosecutor, and on his transfer to the district of North Arcot, Lieut. Hoskins, the Superintendent of Police was appointed the prosecutor in his stead, and Swami Sastrulu, Police Inspector, who was punished by me in 2 cases has been his Assistant throughout the trial.

In addition to what I have already stated in the introductory part of this defence, as well as to the explanation I offered in my defence against each of the several charges, I respectfully beg to bring to your honor's notice the sum and substance of my defence in a few lines.

I beg to plead not guilty to one and all the charges. They have been set up against me by the intrigues of K. Dasia, Venkataramania, &c., who were not only notoriously bad characters, but also my avowed enemies as has been explained above.

These charges were also preferred just long after the alleged occurrence, when L. Venkatappaya was obliged to revert to his own post, if I were to take charge of my Division as a Deputy Collector on general duties.

Taking all these circumstances into your honor's candid consideration, I hope your honor will consider me not guilty.

Board's Order, page 418, para. 5.

The Government will always consider it honorable to yourself to have men in your District who have served the public in elevated stations for long periods of time. You will be pleased to acquaint them, that as servants of the State it is the desire of the Government to recognize them as native gentlemen of consideration, holding offices of responsibility, and that the Government have as much interest as themselves in maintaining and raising their reputation. This has not been sufficiently considered in our administration of Indian affairs, but the Government is satisfied that it is called upon to pay more attention to it both from motives of justice as well as from sound principles of "political wisdom."

In conclusion I respectfully beg to represent that 35 years have elapsed from the date of my entertainment in the Government service and I was not found with any fault to the date of these complaints, and all the Officers both in the Judicial and Revenue Departments under whom I had the honor of serving have been pleased to record their favorable opinion regarding my conduct. Thanking the Court for the patient hearing it has accorded, I cheerfully entrust to its favourable opinion the hitherto unblemished honour and character of a public servant, who has through a long course of years, faithfully, zealously, and to the best of his abilities served the Government.

(Signed) V. VENKATACHELLEM.

30th July 1869.

R. G. 1 June 70 No. 798.

MASULIPATAM, September 1869.

FROM

V. VENCATACHELLUM,
Deputy Collector.

TO

JAMES GROSE, Esq.,
Acting Secretary to the Board of Revenue,
Fort St. George.

HONORED SIR,

I respectfully beg leave to represent that while I was Deputy Collector on general duties in Kistna District, the Inam Commissioner having recommended my transfer to the Inam Commission, the Government were pleased to place my services from 1st November 1867 at the disposal of the Inam Commissioner. I entered the Inam Department in November 1867, and having nearly finished the work, the Inam Commissioner was pleased to report to Government in his letter of 16th February 1869, that he had directed me to join my appointment as General Deputy Collector in the Kistna District from 1st March 1869, and to add that "while employed in the Inam Commission, I had discharged my duties extremely well and given him entire satisfaction."

Mr. Comyn, Sub-Collector in charge of Kistna District, having on 18th February 1869, (that is seven weeks after he joined the District which was on 24th December 1868) reported to the Board of Revenue the enquiry made by him on the Petition presented against me by M. Vencataramanya (who was prohibited by me in 1867, from appearing as a Vakil on behalf of any party on account of his bad conduct) and recommended my transfer to another District, and the re-appointment of Lunka Venkata Appia in my room, the Government were pleased agreeably to the recommendation of the Board of Revenue to order a formal enquiry into the allegations against me and to appoint Mr. J. A. C. Boswell, Officiating Collector, Kistna District to be Commissioner to enquire into the charges under Act 37 of 1850, and to direct that I should not resume charge of Deputy Collector's Division until further orders.

The Government were pleased to appoint Mr. Comyn prosecutor, and he was required to frame charges—he framed 10 charges—after his transfer to the North Arcot District, Lieut. Hoskins, Superintendent of Police conducted the Prosecution with the assistance of T. Swami Sastry, who was then a Police Inspector, and who was formerly convicted and punished by me in two cases.

The Commissioner commenced the enquiry on the 14th June and closed it in due course.

Being given to understand that the Commissioner has forwarded his report, I respectfully beg to address the following few lines, hoping thereby to convince the Honorable Board of the origin of these charges and the character of the persons who have come forward to prove them, and the circumstances under which they were preferred.

I made over charge of my general duties to Mr. Plunket, Acting Deputy Collector in November 1867—he and Mr. Wilson who had been in this District for more than six years, were for several days in Nursa Row Petta Taluq in February 1868, that is, after I entered the Inam Commission. M. Vencataramania the complainant, although an inhabitant of Nursa Row Petta presented no complaint whatever to Mr. Wilson, nor any to Mr. Plunket—he having long (that is one year) afterwards presented his Petition on the 5th February 1869 as soon as Mr. Comyn, who is quite a stranger to this District came to Nursa Row Petta. I trust that your honor will consider that the cause of his previous long silence and the sudden presentation of the complaint to a new gentleman is worth ascertaining, the secret of which lies in the following circumstances.

Hussankhan and his 2 brothers, Prosecutor's 26th, 27th and 28th witnesses. The Hukum of the Collector of Guntur, dated 2nd October 1852, shows that Dasia was an intimate friend of Hussankhan in taking bribes; this is sufficient to shew that Hussankhan will not hesitate to support Dasia's designs.

Potmakers and Vetties.—These being men of lower orders do not hesitate to say any thing, such as Hussankhan and other influential persons might have wished them to say.

In the event of your honor considering the position of all the witnesses, I trust your honor will perceive that the witnesses for the defence and those for the prosecution that deposed in my favor are independent and far more respectable and trustworthy than those who gave evidence against me for the prosecution.

The Government were pleased to appoint Mr. Comyn the Sub-Collector, who made the first report against me as prosecutor, and on his transfer to the district of North Arcot, Lieut. Hoskins, the Superintendent of Police was appointed the prosecutor in his stead, and Swami Sastrulu, Police Inspector, who was punished by me in 2 cases has been his Assistant throughout the trial.

In addition to what I have already stated in the introductory part of this defence, as well as to the explanation I offered in my defence against each of the several charges, I respectfully beg to bring to your honor's notice the sum and substance of my defence in a few lines.

I beg to plead not guilty to one and all the charges. They have been set up against me by the intrigues of K. Dasia, Venkataramania, &c., who were not only notoriously bad characters, but also my avowed enemies as has been explained above.

These charges were also preferred just long after the alleged occurrence, when L. Venkatappaya was obliged to revert to his own post, if I were to take charge of my Division as a Deputy Collector on general duties.

Taking all these circumstances into your honor's candid consideration, I hope your honor will consider me not guilty.

Board's Order, page 418, para. 5.

The Government will always consider it honorable to yourself to have men in your District who have served the public in elevated stations for long periods of time. You will be pleased to acquaint them, that as servants of the State it is the desire of the Government to recognize them as native gentlemen of consideration, holding offices of responsibility, and that the Government have as much interest as themselves in maintaining and raising their reputation. This has not been sufficiently considered in our administration of Indian affairs, but the Government is satisfied that it is called upon to pay more attention to it both from motives of justice as well as from sound principles of "political wisdom."

In conclusion I respectfully beg to represent that 35 years have elapsed from the date of my entertainment in the Government service and I was not found with any fault to the date of these complaints, and all the Officers both in the Judicial and Revenue Departments under whom I had the honor of serving have been pleased to record their favorable opinion regarding my conduct. Thanking the Court for the patient hearing it has accorded, I cheerfully entrust to its favourable opinion the hitherto unblemished honour and character of a public servant, who has through a long course of years, faithfully, zealously, and to the best of his abilities served the Government.

(Signed) V. VENKATACHELLEM.

30th July 1869.

R. G. 1 June 70 No. 798.

MASULIPATAM, September 1869.

FROM

V. VENCATACHELLUM,
Deputy Collector.

TO

JAMES GROSE, Esq.,
Acting Secretary to the Board of Revenue,
Fort St. George.

HONORED SIR,

I respectfully beg leave to represent that while I was Deputy Collector on general duties in Kistna District, the Inam Commissioner having recommended my transfer to the Inam Commission, the Government were pleased to place my services from 1st November 1867 at the disposal of the Inam Commissioner. I entered the Inam Department in November 1867, and having nearly finished the work, the Inam Commissioner was pleased to report to Government in his letter of 16th February 1869, that he had directed me to join my appointment as General Deputy Collector in the Kistna District from 1st March 1869, and to add that "while employed in the Inam Commission, I had discharged my duties extremely well and given him entire satisfaction."

Mr. Comyn, Sub-Collector in charge of Kistna District, having on 18th February 1869, (that is seven weeks after he joined the District which was on 24th December 1868) reported to the Board of Revenue the enquiry made by him on the Petition presented against me by M. Vencataramanya (who was prohibited by me in 1867, from appearing as a Vakil on behalf of any party on account of his bad conduct) and recommended my transfer to another District, and the re-appointment of Lunka Venkata Appia in my room, the Government were pleased agreeably to the recommendation of the Board of Revenue to order a formal enquiry into the allegations against me and to appoint Mr. J. A. C. Boswell, Officiating Collector, Kistna District to be Commissioner to enquire into the charges under Act 37 of 1850, and to direct that I should not resume charge of Deputy Collector's Division until further orders.

The Government were pleased to appoint Mr. Comyn prosecutor, and he was required to frame charges—he framed 10 charges—after his transfer to the North Arcot District, Lieut. Hoskins, Superintendent of Police conducted the Prosecution with the assistance of T. Swami Sastry, who was then a Police Inspector, and who was formerly convicted and punished by me in two cases.

The Commissioner commenced the enquiry on the 14th June and closed it in due course.

Being given to understand that the Commissioner has forwarded his report, I respectfully beg to address the following few lines, hoping thereby to convince the Honorable Board of the origin of these charges and the character of the persons who have come forward to prove them, and the circumstances under which they were preferred.

I made over charge of my general duties to Mr. Plunket, Acting Deputy Collector in November 1867—he and Mr. Wilson who had been in this District for more than six years, were for several days in Nursa Row Petta Taluq in February 1868, that is, after I entered the Inam Commission. M. Vencataramania the complainant, although an inhabitant of Nursa Row Petta presented no complaint whatever to Mr. Wilson, nor any to Mr. Plunket—he having long (that is one year) afterwards presented his Petition on the 5th February 1869 as soon as Mr. Comyn, who is quite a stranger to this District came to Nursa Row Petta. I trust that your honor will consider that the cause of his previous long silence and the sudden presentation of the complaint to a new gentleman is worth ascertaining, the secret of which lies in the following circumstances.

Hussankhan and his 2 brothers, Prosecutor's 26th, 27th and 28th witnesses. The Hukum of the Collector of Guntur, dated 2nd October 1852, shows that Dasia was an intimate friend of Hussankhan in taking bribes; this is sufficient to shew that Hussankhan will not hesitate to support Dasia's designs.

Potmakers and Vetties.—These being men of lower orders do not hesitate to say any thing, such as Hussankhan and other influential persons might have wished them to say.

In the event of your honor considering the position of all the witnesses, I trust your honor will perceive that the witnesses for the defence and those for the prosecution that deposed in my favor are independent and far more respectable and trustworthy than those who gave evidence against me for the prosecution.

The Government were pleased to appoint Mr. Comyn the Sub-Collector, who made the first report against me as prosecutor, and on his transfer to the district of North Arcot, Lieut. Hoskins, the Superintendent of Police was appointed the prosecutor in his stead, and Swami Sastrulu, Police Inspector, who was punished by me in 2 cases has been his Assistant throughout the trial.

In addition to what I have already stated in the introductory part of this defence, as well as to the explanation I offered in my defence against each of the several charges, I respectfully beg to bring to your honor's notice the sum and substance of my defence in a few lines.

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The Government will always consider it honorable to yourself to have men in your District who have served the public in elevated stations for long periods of time. You will be pleased to acquaint them, that as servants of the State it is the desire of the Government to recognize them as native gentlemen of consideration, holding offices of responsibility, and that the Government have as much interest as themselves in maintaining and raising their reputation. This has not been sufficiently considered in our administration of Indian affairs, but the Government is satisfied that it is called upon to pay more attention to it both from motives of justice as well as from sound principles of "political wisdom."

In conclusion I respectfully beg to represent that 35 years have elapsed from the date of my entertainment in the Government service and I was not found with any fault to the date of these complaints, and all the Officers both in the Judicial and Revenue Departments under whom I had the honor of serving have been pleased to record their favorable opinion regarding my conduct. Thanking the Court for the patient hearing it has accorded, I cheerfully entrust to its favourable opinion the hitherto unblemished honour and character of a public servant, who has through a long course of years, faithfully, zealously, and to the best of his abilities served the Government.

(Signed) V. VENKATACHELLEM.

30th July 1869.

R. G. 1 June 70 No. 798.

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FROM

V. VENCATACHELLUM,
Deputy Collector.

TO

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Acting Secretary to the Board of Revenue,
Fort St. George.

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30th July 1869.

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MASULIPATAM, September 1869.

FROM

V. VENKATACHELLUM,
Deputy Collector.

TO

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Acting Secretary to the Board of Revenue,
Fort St. George.

HONORED SIR,

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I made over charge of my general duties to Mr. Plunket, Acting Deputy Collector in November 1867—he and Mr. Wilson who had been in this District for more than six years, were for several days in Nursa Row Petta Taluq in February 1868, that is, after I entered the Inam Commission. M. Vencataramania the complainant, although an inhabitant of Nursa Row Petta presented no complaint whatever to Mr. Wilson, nor any to Mr. Plunket—he having long (that is one year) afterwards presented his Petition on the 5th February 1869 as soon as Mr. Comyn, who is quite a stranger to this District came to Nursa Row Petta. I trust that your honor will consider that the cause of his previous long silence and the sudden presentation of the complaint to a new gentleman is worth ascertaining, the secret of which lies in the following circumstances.

Mr. Plunket having been appointed Salt Deputy Collector of Nellore, Lunka Vencata Appiagar, Head Quarter Police Inspector of Masulipatam was appointed to act as Deputy Collector during my employment in the Inam Commission. It was a known fact that he should revert to his former Office of Police Inspector on my assuming charge of my office.

I have not the least intention to throw reflections upon the character of my fellow servants or impute bad motives to their actions. But compelled by my position, and being under the imperative necessity of explaining that which entangled me in troubles, I am, as a matter of necessity obliged respectfully to disclose the real circumstances of the case.

I beg to enclose a translation of a letter* dated 8th February 1869 sent by Government

* Marked A.

Tappal (the original of which was filed in the Record before the Commissioner) written by one V. Lutchmepaty from

Nursa Row Petta, informing me that at the instigation of L. Venkata Appia, Acting Deputy Collector, M. Venkata Ramania presented this Petition. It is to be observed that up to the date of this letter no enquiry was commenced by Mr. Comyn.

I beg to submit under these circumstances whether it is improper on my part to represent that there was conspiracy against me.

Although it is proper that the party injured should come forward to complain, still in this case, a litigious Vakil punished by me for dishonest conduct having complained that I committed some irregularities (none of which affected him) some of which were said to have taken place so far back as six years and some only a few years afterwards. Mr. Comyn hastily enquired of the persons that were brought forward by the Petitioner and his abettors and reported against me.

Mr. Comyn* stated that he did not think that the facts stated in his letter admitted of any explanation, as they certainly did not admit of denial,

* Para. 37.

although he enquired the case during my absence, and although he is reporting against me even without taking any explanation whatever from me.

Mr. Comyn stated in paragraph six of his first report that I appointed Polumraz Nursia as Durmakurtah of the Temple.

He himself stated in the 1st charge which was prepared by him after he was appointed prosecutor that my father (who left Chilkaloorpetta in 1851, and died at Masulipatam in 1855) appointed P. Nursia to that post.

These statements contradict each other and evince an entire want of proper enquiry.

In paras. 19 and 21, he stated that I had a garden, and that a Konaru and Muntapum were built in it, while public documents shew that Mr. Horsley, late Sub-Collector gave one acre of land to P. Nursia at his request for planting a Charitable Tope, wherein the Konaru was dug.

In para. 26, Mr. Comyn reported about the time I halted at Komaravellipad, a Village in Rajahpet Taluq, and took the trouble of preparing a Memo. from my Diaries for a period of four or five years. But he was not pleased to refer to the letter of the Collector, dated 27th July 1865, to the Revenue Board, which shews that the climate of Palnad and

Para. 8 of the letter of the Collector, Kistna District to the Board.

Para. 8. I should not omit to mention that both Venukonda and Palnad are at times unhealthy, and it is desirable that the Deputy Collector should have the means of moving his office at such times to the more salubrious climate of Rajahpet.

account, I need not represent any thing upon this part of that gentleman's inaccurate statements

Venukonda is unhealthy at times, and that the Deputy Collector should have the means of moving his camp to Rajahpet Talook.

In Para. 30 he stated that he examined the curnum accounts and subjoined a statement shewing the dowie of the village from Fusly 1272 to 1277—as the Inam Commissioner pointed out the incorrectness of this

I trust that the above facts are sufficient to shew that Mr. Comyn believed whatever was stated against me and reported at once, which therefore appeared a strong case against me and which caused the issue of the order that I should not assume charge until an enquiry was made.

Mr. Comyn stated that P. Nursia is a near relative of mine, and he explained the relationship in the 1st charge by stating that he is the father-in-law of my younger brother (who died 8 years ago.) But Mr. Comyn did not mention the position of that Nursia. He is Pleader in the Civil and Session Court of Guntoor, and his eldest son is a Pleader in the District Munsiff's Court of Baputla to which the village of Chilkaloorpetta is attached. There is another Pleader in the same Zillah Court who has built a temple in another village. I leave it to the Honorable Board to judge the object of Mr. Comyn in not reporting the position of Nursia while he reported the relationship.

There are other allegations against me in Mr. Comyn's

Para. 23.—Appointment of sons of currentums.
25 Pallary.

letter, but when he was nominated to frame charges, he having omitted their insertion in the charges, I hope the

Honorable Board will be pleased to observe what weight is due to his allegations.

Mr. Comyn reported in para. 35 that I failed in my duty in not stopping a well which was being dug in Nursa Row Petta by the Tahsildar for charity, and strongly commented upon my conduct.

As this act also was not included in the charges prepared by him against me, it is not necessary for me to offer any explanation, but the severity of his remarks against me compels me to represent thus.

The Tahsildar dug a well near the Zemindar's Fort in Nursa Row Petta which was dedicated to the public use. The people especially of that street make use of it, as there is no other well in that street, as it was thus intended for the use of the public, but not for that of the Tahsildar himself, I trust that the Honorable Board will consider that I committed no wrong in not interfering with such work which is not at all illegal. I have also to represent that Mr. Wilson, Acting Collector and myself both inspected it in October 1867, and Mr. Willson did not consider that the Tahsildar was wrong in digging that well.

Mr. Comyn recommended my transfer to another District, and the appointment of L. Venkata Appia in my room. We both are inhabitants of Masulipatam, and his remarks of local interests and family ties are equally applicable to both of us, but Mr. Comyn was pleased to apply them to my case only, while he omitted the same remark in the case of L. Vencata Appia.

The Collector made the Jamabundy of Rajahpet and Venukonda Taluks in 1867. Mr. Comyn who was Sub-Collector in charge, and who was new to the District took the Rajahpet Taluk (Deputy Collector's Division) for Jamabundy, leaving out the Taluks of the Collector's Division, and Sub-Division on the ground that the Acting Deputy Collector L. Vencata Appia applied for a remission of 15 thousand Rupees out of the assessment on dry lands. Mr. Comyn who made the Jamabundy of the 2 Taluks of Rajahpet and Venukonda (Deputy Collector's Division) did not find it necessary to grant a remission of even one Rupee out of the assessment of the dry lands, but still he was pleased to recommend in very strong terms in favor of the Acting Deputy Collector L. Vencata Appia with his only acquaintance of 7 weeks.

I beg to state further that the Board in their order of 12th June 1866 observed that the Sub-Collectors who assume charge of a District without being gazetted to act as Collector should be careful not to take appeals from the decisions of officers in independent charge of Ranges. Mr. Comyn has enquired into the conduct of an officer in independent charge, while the acts complained of (Car. Portico, or square tank, Muntapum) are not of such a nature as would render a Report to higher authorities regarding them absolutely necessary before the officiating Collector, whose appointment was announced in the Gazette of 9th February assumed charge of the District.

* Dated 18th February.

Gazette was received on 14th February.

Of the 10 charges, the 1st and 7th were withdrawn as there was none to complain. The 1st charge was that the Mussulman who was alleged to have superintended the construction of a Car, was not remunerated for his superintendence. That Mussulman himself deposed that he undertook the work gratuitously.

The 7th charge was that I confined 8 persons for 8 days and made them make a Séva or celebration to the Swamy, for their having refused to supply bandies and bullocks, &c. Those 8 persons were summoned and kept for several days at Masulipatam, still they having denied all knowledge, the charge was withdrawn.

These will shew that charges were framed upon reports of others, but not on the complaint of injured parties, and that some attempt was made to create false charges against me, but were subsequently withdrawn owing to the honest conduct of the persons on whom the instigators relied.

In the 10th charge the act of treating a Porumboke land of an Inam Village as Inam, is deemed an offence. After the Inam Commissioner declared that I was correct in treating the same as such, the charge was amended.

I trust that your honor will perceive that the matter stated in the 1st, 3rd, 7th and 8th charges was not even stated in the Petition presented by the litigious Vakil (complainant.)

I beg that the evidence which Hussain Khan Saheb (whom Mr. Comyn reported to be a respectable Mussulman gentleman) and the Potmakers and Vetties gave before the Commissioner may be compared with what they have stated before Mr. Comyn, which will shew the falsity of their statements.

In the evidence adduced to prove my alleged connection with the construction of the Portico alluded to in charge 4th, your honor will find false statements that I was present there during its construction, whereas the documentary evidence (Extracts from my Diaries) show that I was not present there. This must very strongly speak for me, showing that the evidence adduced was a tutored one.

As I have fully explained all the circumstances and the causes under which they were preferred, for every charge in the written defence filed by me before the Commissioner, I do not deem it necessary to encroach upon your honor's valuable time by repeating them here.

In the list of documents furnished to me by the Prosecutor under Section X, Act 37 of 1850, a Petition addressed by K. Seetaramia, Atlur Ramaswami and others to the Board of Revenue, dated 20th October 1868 was entered. The Petitioners were summoned. As they denied having sent any Petition to the Board of Revenue, the Petition was not filed in the Record.

Marked B.

I beg to enclose a Copy* of a letter addressed by me to the Commissioner regarding some Petition which I heard he has subsequently received.

Your honor is well aware that the Government in their Order of 19th May 1835, observed thus

B. C. O. Page 417.

"It must never be forgotten that a Tahsildar is exposed to more temptation, to more obloquy, and to more vindictive accusation, than any other class of Public Officers, and the only security he has for keeping his place in defiance of it all, is the conviction that he will not be the victim of frivolous complaint or of those secret confederacies which in every District are at work for the overthrow of those who really perform their duty."

I trust that your honor will consider that the duties of a Deputy Collector and Deputy Magistrate with full powers, are more arduous and responsible than those of a Tahsildar, and that the views of the Government above quoted, are therefore better applicable to these officers.

It is a well known fact that until lately Guntur and Masulipatam were different Zillahs, and that they were amalgamated in 1859—my residence is at Masulipatam. The Taluqs of the General Deputy Collector are Rajahpet, Venukonda and Palnad, which border on the limits of

Nellore and Kurnool Zillahs, and which formed a part of the late Guntur Zillah. I have no relations who are inhabitants of those Taluqs.

I used my best to suppress crime in my Taluqs which being hilly, &c. the crime there used to be very prevalent in former times. This will be apparent from the report of the Superintendent to the Inspector General of Police.

This kind of discharging my duties is the real cause of the existence of enemies or persons who were punished by me, and who for the most part are actors in the present scene.

I was entertained in Government service on 1st July 1834, in my 14th year. The period of my service is 35 years. All the gentlemen under whom I had the honor of serving were pleased to record their favorable opinion. While I was District Moonsiff of Ellore, the Civil Judge was pleased to recommend me for the office of Principal Sudr Amin, and the Collector was pleased to recommend me for the office of Deputy Collector, and the Government were pleased to appoint me Deputy Collector in July 1859. I served as Inam Deputy Collector in 1859, 1860, and 1861, and I beg to refer to the opinion marked C, recorded by the former Inam Commissioner (Honorable Taylor) and the present Commissioner.

I performed the duties of Deputy Collector and Magistrate of Kristna District from 1862, and during this period Messrs. Thornhill, Foord, Chase and Wilson were Collectors, and Messrs. Hodgson and Leman were Session Judges. I respectfully beg that your honor will be pleased to ascertain my conduct from those gentlemen.

I trust that the Honorable Board will consider that these charges arose from secret confederacies and grant me redress, giving full consideration to the circumstances under which they were preferred.

I have, &c.,

(Signed) V. VENKATACHELLEM,
Deputy Collector.

POLICE WEEKLY CIRCULAR,
14th September 1867, Page 391.

From the Superintendent of Police, K. D.
to the Inspector General of Police, 31st July
1867.

The opinion of the Deputy Magistrate Vencatachellum in whose Division, M. Sabhapaty resided is peculiarly valuable on the subject, as from his long experience, as a judicial officer of all classes of native society and his intimate acquaintance with the crime of the country which few men have so unsparingly rooted up rumours of infanticide, secret murders among so large a class as the Brinjaries could not have escaped his attention.

To

M. R. R. V. VENKATACHELLEM PUNTULU GARU.

Vadlapatla Lakshmipati presents his compliments.

As Uppaloori Venkatadri Garu has gone to visit you, you may have learnt from him all the particulars up to the time of his leaving this place. I represent to you the subsequent particulars by describing them below.

At the instigation of Sagi Sitaramayya and Nadicota Seshayya, Lunka Venkatappayyagaru has become ambitious and trying to obtain the authority of this place (Deputy Collectorship) made himself liable to breach of friendship by causing one Medasupally Venkataramanaya, an inhabitant of Narsarowpett to present a petition containing 11 paras. against you to the Sub-Collector in charge during the time of Zamabundy of this taluq. The contents of the petition are not known as yet distinctly, though the rumour says that some of them are the following.

That stones were made to be carried unpaid for from Condavid, &c., villages to the temple at Chilkaloorpett.

That some Inams were purchased by you in the taluqs under your charge.

That some servants were dismissed by you that you might provide for your relatives by appointing them in their stead. The other contents are not known as yet, and when known, I shall immediately inform you of them.

Lunka Venkatappayya Garu sent for Damavalam Bachia, inhabitant of Pichakalapallem, Venukonda taluq, Chintapally Venkatappa, inhabitant of Mallavagu, Kondramutla Dasayya, Ramayya and others: and consulted them through Sagi Sitaramayya and Nadicota Seshayya, and selected some as complainants and others as witnesses and himself prepared a draft of the petition in English and got it copied fair by Dinavahi Kotayya. While he was thus preparing to have it presented, the Fort St. George Gazette having shown the appointment of L. Venkatappayyagaru to Coimbatore, and the complainants, &c., having heard that you would return to your duties, they returned to their villages giving up the idea of presenting the petition. If this were known at first, Ramanaya too, would have drawn back. I hear that he is now very much afraid, that it is too late. When he presented this petition, the Collector said to him, "It does not appear that you have presented this petition of your own accord. You should say who encouraged you to do this. You shall not have leave to go away until you do so. You should not present such complaints against high authorities as you will be committed if they are not proved." The Collector pointed out to him some precedents to this effect. Ramanaya answered him that he would prove. You can understand from this that the Collector considered that Ramanaya was only instigated to present this petition.

I hear that you have written some letter to Cunchannapally Jagannadharow Pantulu Garu regarding some land, and that L. Venkatappayyagaru asked him to join his party and give him that letter which he hoped would be of use to his endeavours, and that on his refusing to do so he has written some thing to his superior officer. I think that by the appointment published in the Gazette several intrigues have subsided. I shall write to you on other matters by and bye. The complainant is with the Collector as no leave is yet given to him.

I hope you will excuse my unusual writing on the envelope, as I have done so for fear of this letter being tampered with here. I hear that some of the persons who have obtained several favors from you are concerned in this intrigue. But except Ramanaya no one came out, nor will come out hereafter.

8th February 1869.

(Signed) V. LAKSHMIPATY.

Punganamamula Lakshminarayanappa Puntulu Garu (Tahsildar) was obliged to apply for pension only through the enmity of Venkatappayyagaru; his application was filed. I hope you will let me know when you will come here.

To

J. A. C. BOSWELL, Esq., *Commissioner.*

SIR,

Having been given to understand that a petition in the name of D. Mullia was lately received by you regarding the stones of the ruined well at Chilkaloorpett, I beg to represent that D. Mallia, the reputed owner of the well was a co-defendant in the case in which Nallakonda Janakiramudu (4th witness for the prosecution) was fined 50 Rupees. This Mallia was sentenced by me to one month's imprisonment. He was in the Jail at Guntoor for that period. If your honor please to send for a copy of the calendar or record of the case (it was in 1862 or 1863) their conduct will be plain. I trust that your honor will consider that such person would not allow his property to be taken away by others without his consent, and that if any force was used towards him or if any breach of contract was committed, he would not have been silent without coming forward since these 21 months. I left the Divisional duties especially these 7 months, during which the enquiry is going on. He and N. Janaki Ramudu are inhabitants of Chilkaloorpett and are intimate friends.

As I stated in my defence that "no person is brought forward to say that he was made to give up stones without consideration being paid, or that stones were taken without his knowledge," this petition, I think, was submitted to rebut that part of my statement.

Hassankhan (witness for the prosecution) stated that Venkata Ramania and Janaki Ramudu (witnesses for the prosecution) resided here in the house of Sawmi Sastri, a Police Inspector, and who assisted the prosecution. G. Venkatrow, Taluq Sheristadar and S. Sitaramia who came forward to rebut the defence also resided here in Sawmi Sastri's house. So they have an opportunity of knowing what I have advanced in my defence.

Choragudi Janikiramia, Pleader of the District Munsif's Court of Bapatla deposed on oath,

One Petition addressed to the Board of Revenue in the name of Kandramutla Seetaramia, and one Petition from 3 Musselmen of Patavaram.

that the inhabitants of Chilkaloorpett are in the habit of carrying stones of the ruined well for rivetting wells and other works of public utility. Your honor has already

been aware of persons in whose names petitions were sent against me, and who have denied all knowledge of them.

In the event of your honor referring in your report to the petition received in the name of Mullia, I beg that you will be pleased to add that I reported that that man was sentenced by me to one month's imprisonment, and that you will ascertain the correctness of my statement.

I have, &c.,

(Signed) V. VENKATACHELLEM.

C.

Extract from a letter from G. N. Taylor, Esquire, Inam Commissioner to the Secretary to the Government, Revenue Department, dated 9th December 1859, No. 300.

Para. 3. Fortunately for my purpose the services of two men who are possessed of considerable local experience in these districts are readily available, and if they can be spared from their present duties, I can confidently recommend them from their known character and attainments, as being peculiarly fitted for the position of Deputy Collectors in this department. The first is Vadlamunnaty Venkatachellem, 4th Class Deputy Collector, Rajahmundry, and the second, M. Venkataratnum Pillai at present Manager of the Collector's Office at Cuddapah. The qualifications of the first-named officer came under the observation of Government on his ap-

pointment to his present post. I select him not only because he is on the spot, but also because his peculiar local knowledge and industrious habits point him out as a valuable acquisition to the department.

Extract from a letter dated 12th April 1861, No. 20, addressed by G. N. Taylor, Esq., Inam Commissioner, to the Secretary to Government, Revenue Department.

1. As directed in the concluding paragraph of the Order of Government, dated 25th March 1861, No. 697, I beg to submit a list of the Deputy Collectors in this Commission whose services will be soonest dispensed with, showing their present standing in the Commission, the districts in which they are now employed, and the chief posts they previously held in the Public service.

2. As the claims and merits of these officers came under the consideration of Government at the time of their appointment to this Commission, I need only remark that they have most fully answered the expectations I formed of them as able, upright and industrious public servants.

* * * * *

2—V. VENKATACHELLEM.

Copy of the letter of W. T. Blair, Esq., Officiating Inam Commissioner, dated 16th February 1869, No. 7, to the Acting Secretary to Government, Revenue Department.

I have the honor to report for the information of Government that the services of Deputy Collector V. Venkatachellem attached to the Inam Commission will not be required by this department after the 28th February 1869.

2. I have directed him to join his appointment as General Deputy Collector in the Kristna District on the 1st Proximo.

3. It is due to this officer to state that while employed in the Commission he has discharged his duties extremely well and given me entire satisfaction.

I have, &c.,

(Signed) W. T. BLAIR,

Officiating Inam Commissioner.

2
P. 385

Pross 1st June 1902

R. G. 1 June 70 No.

Rev. B. M.

Memo on P. 385
by Col. Venkatachellum's case

In February last it was brought to
the notice of Govt that
charges had been made
against Venkatachellum
by the District Officer
attached to the Income
Commission.
The complainant
stated that the Dy
Collector had built a
car, erected a temple,
& bank, and had made
certain additions to a
Pagoda at Bhilhalurpetta
by raising contributions
from

the Sup^t of Police his in discreet zeal
6. Mr Boswell the & errors of judgment.
Ag Coll^r of the District He has been
conducted the enquiry was de^l his intention for
into the charges as Com- here than a year &
missioners under Act XXXVII & from this will be
of 1850, and should have I am bound to be a very
submitted his report heavy fine - 3/4th of his
direct to Govt. As however, I am. I have! He
Sec^y of the Act autho- transfer to either of the
rizes the Govt to refer ad a cent. In fact, I have
the report, when received, in 2. In the de^l de^l de^l
for the observations of but I could not send
the controlling authority him to a "Ret^l mit^l." I had
of the Dept in which and this is the story
the accused as serving a prison and for his
it may be assumed that under sentence he is
this course has been then to fully meet the
adopted in the present merits of the case. The
case, and the Board's that I can ascertain
Proceedings may be what has been acting. Now
viewed as the remarks since his term, I have
of his done - the rest is?
of Pop. & New entrants shall
S. P. S.

I cordially agree with Mr. Sim & W. A. Smith. I think the accused has been misled by enthusiasm for the gods, for temple architecture, and the memory of his father. There is something respectful in his notions of what his means - yet I doubt whether he exercised much prudence and I apprehend that his purposes were congenial even to those who worked under some moral constraint. - I would let him have all of his pay during the

of the controlling authority on the Commissioner's report.

7. As already observed, the first charge was dropped. The second charge relates to two trees said to have been obtained by official influence, without payment, for the purpose of constructing a temple. Mr. Boswell acquits the Dy. Collector of this charge, as the evidence goes to show that the trees were given willingly for a charitable purpose. The third charge relates to the acquisition, without payment, of a piece of land as the site

site for the addition to the Pagoda, and to sanction having been accorded to the encroachment on a public street as compensation. The charge regarding the acquisition of the land, Mr. Poswell considers to have failed, and he exonerates the Dy Collector from any improper motive in sanctioning the encroachments on the street. 9. In the fourth charge the Dy Collr is accused of having obtained materials and labor for building the addition to the Pagoda without payment, and of having required his official subordinates to superintend the work. He is further charged with having refused redress when a complaint was made by the laborers that they had not received the proper hire. The Court finds that the

removal of his
subordinate except
what was given to his
substitute and
remove him to a
neighboring District.
But I would only
fine him and
reprimand him if
my colleagues do not
think his removal
indispensable. -
It will be a severe
punishment to the
Dy Collector to be
transferred to a
distance for his
works. N.

the public ^{servants} did not compel
any persons to work against
their will, and that their
^{own} employment in supervising
the work was a pardonable
indiscretion on the part
of the Deputy Collector, as
they were ^{men} persons attached
to him for his personal
service. He also finds that
the materials were given
willingly for a religious
purpose, and that the
labor was that of the village
vetties which it is usual
to give for common village
purposes, such as the
building of a village
pagoda

pagoda, and that the
assertion that they complain-
ed to the Dy. Collector with-
out redress is untrue.

10. The fifth charge is
similar to the fourth but
refers to the construction
of a sacred tank. The
Commr's finding is somewhat
doubtful in this case,
he states that much of
the evidence goes to show
that there was impressment
of labor through the agency
of peons and village servants,
but on the other hand he
states that no particular
case of impressment has
been

25
been proved by producing
the person impressed, and
that it is therefore possible
that the Govt servants were
merely employed to organize
labor which was freely pro-
vided.

11. The sixth charge is similar
to the fourth and fifth but
refers to the building of a
mantapam in connection
with the Pagoda and to
the stones of which it was
built. The Commr's finding
is in this case also somewhat
doubtful, but he arrives
at the conclusion that
the materials were not
improperly obtained, that
most

most of the labor employed
was either paid for or vol-
-untary, but that some
people gave labor because
they were desired to do so
by persons in authority.

12. The seventh charge was
dropped. The eighth refers
to the raising of illegal
contributions in the village
for Temple purposes by
means of a Bandy Tax.

The Commr. finds that the
Dy. Collector's father, when
building the original
Temple, induced the vil-
-lagers to endow it by making
an alienation of the Sadawad
funds of the village, (being
the

the usual collection at
religious feasts) and that
the Dy. Collector finding that
the endowment was irregularly
paid "suggested" to the
principal persons of the
village the substitution of a bandy-
tax for the original endow-
-ment which they voluntarily
consented to do. Mr. Roswell
is of opinion that in this
case, as in the case of the
employment of peons to
organize ^{Temple} labor, the Deputy
Collector "allowed his
religious zeal to outrun
his discretion." He, however,
considers that local
custom authorized the
collection

collection of the tax, as
a means of subscribing
to the religious institution
of the village, and that
the Dy. Collector had little
to do with it beyond sug-
gesting the arrangement
at a public meeting.

13. The ninth and tenth
charges relate to the Dy.
Collector having been in-
fluenced by corrupt
motives in making the
settlement of an Inam
village, having at first
made the settlement unduly
harshly and afterwards changed his decision
confirming the Inam on specially favorable terms
unduly leniently, the
fact being that the Inamdar
had

had at first refused, but
afterwards consented to
make a grant of ^{a portion of} his land
as endowment for the
Pagoda. The Commr.
acquits the Dy. Collector
of both charges.

14. In conclusion, the Commr.
reports that none of the
charges have been fully
proved against the Dy.
Collector, that he is an
officer of 35 years service
of known probity and respect-
-bility, and that he considers
that his religious zeal
has led him into serious
indiscretions merely. He
recommends that he be
permitted

permitted to retire upon full pension or be removed from the District.

15. The Board of Revenue take a somewhat different view of the evidence to that held by the Commr and consider it to be proved that the Dy. Collector obtained materials and labor at low rates and without payment through his official influence, that he used his subordinates as supervisors of the work and employed the village servants on it in a very improper manner and that the so called voluntary village subscription was virtually

an extension of the
rule

virtually a compulsory and illegal cess collected by his orders. They consider the line of defence adopted by the Deputy Collector to be disingenuous in as much as he endeavours to disconnect himself from his ^{the Dharmakartu} relative ^{relative} Narasia who evidently acted throughout as his agent. They acquit him of having made a corrupt settlement of the Inam land. In conclusion they submit the case to Govt with the expression of an unfavorable opinion of the Dy. Collector's conduct, and recommend his removal

removal to a distant district.

16. Mr. Forbes differs from the majority of the Board in his view of the case and concurs in Mr. Roswell's deductions from the evidence. He is not of opinion that the Dy. Collector merits disgrace, though his religious zeal may have out-ran his discretion.

17. The Deputy Collector has forwarded a copy of his defence in print, and also of a letter addressed to Board of Rev.

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He pleads generally, that all the charges against him are the result of a conspiracy, and repudiates the assumption that Karsia, the Dharmacarta of the Pagoda, acted as his agent. He analyses the evidence brought forward for the prosecution and defence, and endeavours to show that none of the charges have been proved against him, and in conclusion he appeals to his prolonged and faithful service, and to his high character as a public officer.

officer
18. The favorable conclusion
arrived at by the Comm.
19 perhaps hardly consistent
with the evidence cited in
his report, and it seems
to the undersigned that
there is very little doubt
that the accused did
use his official influence
for the purpose of raising
subscriptions in direct
contravention of the orders
issued in the Board's
standing fir Order No.
and that he has further
been guilty of serious
irregularity in employing
public

29
public servants to
supervise labor, even if
the labor and materials
be taken to have been
voluntarily given. It
remains, however, for Govt.
to decide whether the view
taken by the Comm. and
Mr. Forbes of the Dy. Collector's
conduct, viz: that it was
merely "most injudicious"
and that "his religious
zeal outran his discretion,"
or whether the majority
of the Board are correct
in taking a more un-
favorable view of the case.
This point determined,
it

it still has to be decided how the Deputy Collector is to be dealt with. It will be observed that though the conclusions of the Commissioner and Board are somewhat different, their proposals in regard to the Deputy Collector are identical. The undersigned is aware that the Deputy Collector has long had the character of being a man of the highest probity, and he may perhaps therefore

30
be acquitted of corrupt practices. If he be so acquitted, it is submitted that the recommendation that he be removed to another District with a severe censure, may be adopted.

Wm. H. Hall

Handwritten notes in the left margin, including "McLellan" and "Cottachellum".

No. 798

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 1st June 1870

Read the following Papers:-

Proc. of the Board of Revenue -
 Subm. with remarks, letter from
 Commr. under Act XXXVII of 1858
 regarding charges against Dy. Coll.
 Venkatachellum Puntulu -
 O. M. from Dy. Coll. to Board of Revenue
 from V. Venkatachellum, Dy. Coll. Krishna Dist.
 forwarding printed copies of his defence

H.E. 18 Oct 1869

21 Oct 1869. No 1074

11 November 1869

In February last year,
 it was brought to the notice of
 Govt. that charges had been
 made against Venkatachellum
 Puntulu, a Dy. Collector attach-
 ed to the Inam Commission.
 2. The complainant stated
 that the Dy. Coll. had built
 a car, erected a Mantapam,
 excavated a tank, and had
 made certain additions to a
 Pagoda

Handwritten signature or initials.

Handwritten text: "Venkatachellum Puntulu"

Handwritten signature: "J. D. S."

Handwritten signature: "A. A."

Pagoda at Philkalurpetta
by raising contributions from
the villagers, and by forcing
them to give labor and materials
gratis, and that this labor
had been supervised by the
Govt. servants who were
under his orders. He added
that the Dy. Collector had
made a corrupt settle-
ment of an Inam vil-
lage, and had abused
his official influence
in other ways in con-
nection with the same
Pagoda.

3. The Board of Revenue
recommended that these
charges should be formally
investigated under Act ~~XXXVII~~
of 1850, and the necessary orders
were

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were passed to this effect
in the Proceedings of Govt.
dated 1st March 1869 No 53.

4. The formal charges
were submitted to Govt. with
the Board's Proceedings
dated 7th May 1869, and,
with the exception of the
first charge relating to
the construction of the Jar,
were approved by the
Board and sanctioned by
Govt. in their order dated
10th May 1869. No 1302.

5. The Ag. Sub Coll.
Mr. Comyn was in the first
instance directed to con-
duct the prosecution,
but on his leaving the
District, the duty was
transferred

transferred to St. Hoskins
the Supdt of Police.

6. Mr. Boswell the Ag-
Collector of the District con-
ducted the enquiry into the
charges as Commissioners
under Act XXXVII of 1850,
and has submitted his
report through the Board
of Revenue who have for-
warded it to Govt with
their remarks on the case.

4. The first charge was
dropped as noted above.

3. The second charge relates
to two trees said to have
been obtained by official
influence, without pay-
ment, for the purpose
of

33
of constructing a Temple.

Mr. Boswell acquits the Ag-
Collector of this charge, as
the evidence goes to show
that the trees were given
willingly for a charitable
purpose.

8. The third charge
relates to the acquisition,
without payment, of a
piece of land as the site
for the addition to the Pagoda,
and to sanction having been
accorded to the encroachment
on a public street, as com-
pensation. The charge re-
garding the acquisition of
the

the land, Mr. Boswell considers to have failed, and he exonerates the Deputy Collector from any improper motive in sanctioning the encroachments on the street.

9. In the fourth charge the Dy. Collector is accused of having obtained materials and labor for building the additions to the Pagoda without payment, and of having required his official subordinates to supervise the work. He is further charged with having refused redress when a complaint was made by the laborers that they had

34
had not received the proper hire. The former finds that the public servants did not compel any persons to work against their will, and that their own employment in supervising the work was a pardonable indiscretion on the part of the Dy. Collector as they were mostly persons attached to him for his personal service. He also finds that the materials were given willingly for a religious purpose, and that the labor was that of the village vetties which it is usual to give for common village

village purposes, such as the building of a village pagoda, and that the assertion that they complained to the Dy. Collector without redress is untrue.

10. The fifth charge is similar to the fourth but refers to the construction of a sacred tank. The Commr's finding is somewhat doubtful, but in this case, he states that much of the evidence goes to show that there was impressment of labor through the agency of peons and village servants, but on the other hand he states that no particular case of impressment has been proved

proved by producing the person impressed; and that it is therefore possible that the Govt. servants were merely employed to organize labor which was freely offered.

11. The sixth charge is similar to the fourth and fifth but refers to the building of a Mantapam in connection with the Pagoda and to the stones of which it was built. The Commr's finding is in this case also somewhat doubtful, but he arrives at the conclusion that the materials were not

not improperly obtained,
that most of the labor employ-
ed was either paid for or vol-
-untary, but that some people
gave labor because they were
desired to do so by persons in
authority.

12. The seventh charge
was dropped. The eighth
refers to the raising of il-
-legal contributions in
the village for Temple
purposes by means of
a Bandy Tax. The Comm-
- finds that the Dy. Collr's
father, when building
the original Temple,

36
induced the villagers to
endow it by making an
alienation of the Sadavad
funds of the village (being
the usual collection at
religious feasts) and that
the Dy. Collector finding
that the endowment was
irregularly paid "suggested"
to the principal persons
of the village the substitu-
-tion of a bandy-tax for
the original endowment
which they voluntarily
consented to do. Mr. Boswell
is of opinion that in this
case, as in the case of
the

of the employment of
peons to organize temple
labor, the Deputy Collector
"allowed his religious
zeal to outrun his dis-
cretion." He, however,
considers that local
custom authorized the
collection of the tax as a
means of subscribing to the
religious institution of the
village, and that the Dy.
Collector had little to do
with it beyond suggesting
the arrangement at a
public

37
public meeting.
13. The ninth and tenth
charges relate to the Dy. Coll.
having been influenced by
corrupt motives in making
the settlement of an Inam
village, having in the first
instance made the settle-
ment on unduly unfavor-
able terms to the Inamdar
and afterwards changed
his decision confirming
the Inam on specially
favorable terms, ^{allegedly} the fact
being that the Inamdar
had at first refused, but
afterwards consented to
make a grant of a portion
of

of his land as an endowment to the Pagoda in which the Dy. Coll. was interested. The Comm. acquits the Dy. Coll. of both charges.

14. In conclusion the Comm. reports that none of the charges have been fully proved against the Dy. Collector, that he is an officer of 35 years service of known probity and respectability, and that he considers that his religious zeal has led him into serious indiscretions merely. He recommends that he be permitted to retire upon full pension or be removed from the District.

15. The Board of Revenue take a somewhat different view of the evidence to that held

38
held by the Comm., and consider it to be proved that the Dy. Collector obtained materials, and labor, at low rates and without payment through his official influence, that he used his subordinates as supervisors of the work and employed the village servants on it in a very improper manner, and that the so-called ^{voluntary} village subscription was virtually a compulsory and illegal cess collected by his orders. They consider the line of defence adopted by the Dy. Coll. to be disingenuous in as much as he endeavours to disconnect himself from his relative

Narsin

Narsa the Dharmakarti or
churchwarden of the Pagoda,
who evidently acted throughout
as his agent. They, however,
acquit him of having made
a corrupt settlement of the
gram land. In conclusion,
they submit the case to Govt.
with the expression of an un-
favourable opinion of the Dy.
Collector's conduct and recom-
mend his removal to a
distant district.

16. Mr. Forbes differs from
the majority of the Board in
his view of the case and
concurs in Mr. Boswell's
deductions from the evidence.
He is not of opinion that
the Dy. Collector merits disgrace
though

I would not think
he only to copy to
the Board - that
for as private
information as
usually call for
dissemination - without
knowing recording
them. J.D.T.

though his religious zeal
may have outrun his
discretion.

17. The Deputy Collector
has forwarded a copy of
his defence and, also of
a letter addressed to
Board of Revenue. He
pleads generally that
all the charges against
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sumption that Nar-
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of the Pagoda, acted
as his agent. He analy-
ses the evidence brought
forward for the prosecu-
tion and defence, and
endeavours to show that
none of the charges have
been proved against
him, and in conclu-
sion he appeals to his
prolonged and faith-
ful service and
to his high character
as a public officer.

It is said. The Com^r
was acting judicially.

18. The Right Hono-
rable the Governor in
Council has given his
(most) careful considera-
tion to the Commissioner's
report, to the evidence
submitted, & to the re-
marks of the Board of Re-
venue - He is disposed
to concur in the view ta-
ken of the case by Mr.
Rossell, the Commis-
sioner, and by the first mem-
ber of the Board of Re-
venue, viz^t that the con-
duct of the Dy. Collectors
V. Venkatachellam is iden-
tifying himself with the
measures taken for the
endowment and improve-
ment of the temple has
been very injudicious, and
on general grounds of po-
licy, open to very serious
objections, but that no
grave moral culpability
has been proved against
him.

19. The temple was
built

built by the Dy. Collector's
father, and the Dy. Collector
naturally took a strong
interest in it which led
him beyond the bounds
of discretion and official
propriety. The charges
undoubtedly originally
emanated from personal
animosity, and the
more serious accusations
which moreover, best ad-
mitted of proof were either
abandoned or failed, and
it is creditable to the
Dy. Collector that there is
no taint of personal gain
or corruption in the case.
The Dy. Collector has al-
ready been under suspen-
sion for upwards of a
year, he bears a very
high character for inte-
grity, and has rendered
good service to the State.
Under all the cir-
cumstances of the case,
the Right Honorable the
Governor

Governor in Council de-
-solved to restore the Dy.
Collector to his appointment,
transferring him, however,
from the District to the
Bellary District, and to
direct the Board of Re-
-venue to inform him that
he has incurred the se-
-rious displeasure of Govt.
by his indiscreet zeal &
his neglect of the stand-
-ing orders of the Dept.

The Act General will
be requested to report
what portion of the Dy. Col-
-lector's salary has been passed to
him during his suspension
and what amount is still
available for him, in
order that the Govt may
determine the sum to be
paid to him monthly in
arrear.

to add

It is to be under-
stood that the Dy. Col-
-lector's suspension is not
to constitute a
break in his service
for pension.

S. M. Bell

14 To the Dy. Secy. Dept. of Revenue
6 Secy. Genl.

[illegible]