REVENUE DEPARTMENT,
FORT ST. GEORGE,
6th June 1872.

No.

Miscellaneous.

SIR,—I am to acknowledge the receipt of your letter dated 6th May 1872, and to inform you that the Government are not prepared to pass any orders on the letter from Bashica Charloo to your address therewith forwarded. Bashica Charloo is at liberty to address Government direct, if he is desirous of bringing his case again under their consideration.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) W. HUDLESTON,
Secretary to Government.

[illegible]rd. F. B. Bantleman,

To

C. W. Reade Esqr.
Civil Service
Madras

Respected Sir

Hearing that your honor is shortly to quit India for Home, and deeming that you who are fully acquainted with the details of my aggrieved case would be good enough to lay before Govt. once more all my sufferings and distresses consequent on their ruinous and relentless order dated 20th March 1867 No. 668, prohibiting my reemployment in any department of Public Service, I respectfully & submissively beg leave to submit the following few lines for the favorable consideration of your honor, and trust that your honor would be graciously pleased to represent my pitiful case to the Govt. with such recommendation as you may consider it to deserve at your hands in view to lift me up from the pit of miseries in which I am now fallen —

2. Your honor is fully aware that a criminal charge was preferred against me by the Police, and that it was overthrown completely by the Sessi Judge. It is not unknown to you that in the trial of the said charge I was seriously illtreated by the Local Officers by denying me all the privileges of the Law which, as a birthright every British subject enjoys and by ignoring the existence of certain important records — held in the trial of the case by the Dy Collector Mr Thomas, which are all in my possess In spite of these iniquities and injustice done to me by the Head Assistant Magistrate, prejudicial and detrimental to my cause, my acquittal on the merits of the case has b followed; a circumstance transparent to all and to your honor also. Your honor is also informed of the Rept of the High Court dated 17 May 1867, which condemns the Proceedings of the Hd Asst Magis

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who denied me all the privileges of the Law.

3 On my acquittal by the Sessions Judge of the charges imputed to me, your honor recommended both to the Board and Govt for my reinstatement in my office; but unhappily, it was not countenanced by the Govt; and they on the contrary, on a perusal of the whole Records (Thomas's Props excepted) passed a most ruinous and relentless order dated 20th March 1867 No 668, prohibiting my reemployment in any department of Public Services, basing their order altogether on a new ground quite distinct from the original charges brought against me. This new ground is "that from the decision of Govt the conduct of Goshienchub shewed a deliberate attempt to screen the shroff from punishment." This was not the original charges brought against me - nor has any

enquiry been ordered on the pow
explanation is also not taken
from me for this new allegation
In short I may say that I was
not aware of the existence of
this new allegation against me
until the order of Govt. publicly
came out. It appears that
Govt. took for granted that
the new allegation was proved,
and passed their unjust
order exparte completely
ruining me and my family for
ever. As if these iniquities
and injustice done to me
by the Local officers were
not sufficient, Govt. went
further to publish an errone
notification in the Fort St. Georg
Gazette, damnatory to my charac
ter, and reputation; but on
my protestation to them, they
cancelled their first notification
and substituted another, and
communicated their regret
to me for the occurrence of
the mistake. All these cir-
-cumstances have been brought
to your honor's notice by Public
records

4 When the affairs stood thus
Lord Napier visited Cuddalore
and held a Durbar. On this occa-
-sion your honour was pleased to
introduce me to His Lordship,
and explained the whole History
of my case, and urged on His Lordship the
the advisability of restoring me
to my office. His Lordship was
thereupon pleased to take a
petition from my hands and
said that he would take it
into His favorable considera-
-tion. But owing to my misfortune,
His Lordship lost sight of my
name, and my petition was placed
on records without any notice.

5 Subsequent to these, your
honour sympathizing in my mis-
fortune and distress consequent
on the unjust and harsh measures
of Govt, made a powerful re-
-presentation to Govt a second
time, recapitulating all the
former circumstances of the
case and pointing out to them
the grave and serious injustice
done to me and urging on them
the necessity of modifying them

their first order; but even their recommendation was not countenanced by the Govt.

6 I, being thus denied of all justice in this Govt., at last appealed to the Secretary of State for India through this Govt.; but His Grace in reply stated that He shall not interfere with the decision of the Local Govt. It is a singular circumstance to note here that through some misfortune of mine, I was not at all heard whenever I went and cried at for justice. In proof of this, I beg to say that my appeal to the Secretary of State for India has been disposed of during the Christmass Holidays bearing the date of 28th December 1869 No. 55. From this it is evident that His Grace was not at all pleased even to read my Memorial.

7 Thus you are aware of the harsh and unjust measures of Govt. against me; and from your personal knowledge

of my conduct and character coupled
with a full and perfect knowledge
of the details of my case, I leave
it to your honor's solution that
whether or not I merit the treatment
that has been shewn me by Govt.
your honor is an old and expe-
rienced officer of the Madras
Civil Service of upwards of 35
years standing. You have served
both in the Judicial and Revenue
branch of the service. You might
have come in contact with several
instances of the kind: but then
I submit for your consideration
that whether has there been any
case of hardship like mine!
in which total denial of
justice has been permitted. Of
course, it is evident. I have
no interest to support my cause.
I mention these circumstances
to your honor simply because
you are well acquainted with
my family and myself. I have
served under you for a period
of about 7 years in responsible
posts, and your honor fully knows
how I acquitted myself in the

discharge of my duties. No one
but your honor knows the cir-
-cumstances of my case and the
degree of hardship shewn to me
in the treatment given. As your
honor is shortly to quit India
for Home, I feel it my bounden
duty to solicit your good-
to lay my case once more before
Govt. and obtain justice to me
your honor is aware I have
no other medium through whom
I can hope to convince Govt.
of the denial of justice to me
8. Thus stands my case unheard
of, while several of the Public
Servants convicted of criminal
charges, have been restored to
their offices - because interest
was the cause of their success
I may mention a few instances
to your honor. 1st. Ramah Iyer
Dy Collector and Dy Magte of
Tinnevelly district is restored
to the service and is now a
Tahsildar though he was
convicted of serious felony and
manslaughter and dismissed
from his post for the ~~first~~ last
6 years. 2d. Sathoo Rao

Police Inspector of South Arcot
is restored to the Service though
he was in jail for 15 months for
certain Criminal charges and
was dismissed from his post for
the last 4 years. 3d. Hasan a charg
Police Inspector of the same
District is restored to his post, thoug
he was convicted on two occasions
of two distinct charges. 4th. The
Tasildar of Villupoorum who was
prosecuted for bribery, but discharg
by the Sessions Court on legal flaws
is restored to his office with arrears
of salary, though the Sessions
Court and the Collector recorded
in their decisions that he should
not be retained in the Public
Service. 5th. The Submagistrate
of Mannargoody in South Arcot
who was dismissed from his post
and the dismissal being confirmed by the
Board and Govt., appealed twice to
the Secretary of State for India
but His Grace conf
decision of Madr
you been repres
to Govt and a
for his reins
6th The Tasil
Mr Bryce w

by the sessions Court on more than two occasions, but acquitted on legal flaws is restored to his post with arrears of salary, though the Collector of the District urged on the necessity of his entire dismissal from the Public service. There are several other cases in which Govt. have been pleased to extend their generosity in the face of proved convictions by the Judicial Tribunals while I, who am acquitted of all the charges imputed to me, inspite of ~~all~~ the denial of all justice to me in the trial of my case, alone should be condemned for ever under the ruinous and relentless order of Govt. in question is an unparalleled hardship and injustice done to me by the Madras Govt.: and I submit the point for your honor's consideration —

9 I mention the foregoing particulars to your honor, because as you are fully aware that while the convicted are restored to their offices and earn their bread from Govt., the order

of Govt. da
D 668, has completely deprived
and my family of the means of
livelihood for ever, and has sub-
-jected us to indescribable suffer-
-ings and miseries. These un-
-paralleled misfortunes have
compressed me in toto and I am
at a loss to find ~~out~~ a new
way to a new line of livelihood
Your honour well knows the
reputation of my family and
is personally acquainted with
my uncle C. Jevonenuttachary
and my elder brother C. Thiru-
-malachary. The former died
Dy. Collector of Tanjore after
serving the State faithfully for
a period of 33 years, and the latter
died Tahsildar of Cuddalore
after a service of 14 years,
thus leaving me the surviving
direct male relative in the
family. The maintenance &
support of the families of these
deceased persons have also
devolved on me. Thus my large
families are struggling for
bread for their existence under
the ruinous order of Govt. - your

you [illegible] own sufferings and distresses; you are able from your personal knowledge of the own family while in the District to report my truly deplorable case to Govt and obtain a modification of their first order by restoring me to the Public service. Notwithstanding all these injustices and injustice done to me by the authorities, and notwithstanding that committed persons are all restored to their posts, the Govt is still opposed to my restoration to the Public service. I beg your honor will be good enough to obtain the permission at least for my practising as a pleader in any of the Courts, so that I may by this act of charity try to earn my livelihood until night closes upon my career. In doing this, I humbly beg and believe that your honor is doing me an act of justice which I truly ~~believe~~ merit at your generous hands.

your [illegible]
own sufferings and distresses;
you are able from your personal
knowledge of ~~the~~ our family
while in the District, to report
my truly deplorable case to
Govt. and obtain a modification
of their first order by restoring me
to the Public service. Notwith-
-standing all these iniquities
and injustice done to me by the
authorities and notwithstanding
that committed persons are all
restored to their posts if the
Govt. is still opposed to my resto-
-ration to the Public service,
I beg your ~~an~~ honor will be graci-
enough at least to obtain the sanction
~~[illegible]~~ for my practising as a
pleader in any of the Courts,
so that I may by this act of
charity try to earn my livelihood
until night closes upon my
career. In doing this, I
humbly beg and believe that
you are doing me an
act of justice which I
truly ~~believe~~ merit at
your generous hands.

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b
D
I [illegible]
duly [illegible]
and mentioning [illegible] a
appointment; still a
to my prospects in the wo
are shut against me.

11. In conclusion, I humbly beg leave to request your Honour will be graciously pleased to take my humble request into your favourable consideration, and relieve me from my present sad and painful condition — I send herewith a printed copy of my Memorial which contains a good history of my case. The Appendix to this Memorial contains all the records connected with my case, and a reference to it will furnish your

your re
quested
Form
as in the
[illegible]

[illegible] most o[illegible]
humble servant.
C. Bualieucharles

7th February
1872
Cuddalore

Rev. 1850/72

Ju. N. 1029/72

MEMORIAL

TO

HIS GRACE THE DUKE OF ARGYLL

THE MOST NOBLE AND RIGHT HONORABLE THE SECR
OF STATE FOR INDIA,

FROM

C. BASHICA CHARLOO,

LATE SALT SUPERINTENDENT OF MERCANUM, IN THE DISTRICT OF SOU
ARCOT, MADRAS.

MADRAS:
PRINTED AT THE SCOTTISH PRESS, BY GRAVES, COOKSON AND CO.
1869.

To

HIS GRACE THE DUKE OF ARGYLL,
THE MOST NOBLE AND RIGHT HONORABLE
THE SECRETARY OF STATE FOR INDIA.

The humble Memorial of C. BASHICA CHARLOO, *late Superintendent of the Salt Platforms of Mercanum in the District of South Arcot, Madras.*

HUMBLY SHEWETH,

1. That your Memorialist was more than three years ago removed from the Public Service *on charges, which his accusers utterly failed to substantiate* even in the least degree; and that repeated applications on his behalf, powerfully supported though they have been by the local head of his District, having failed to induce the Madras Government to re-call their orders, your Memorialist has no other alternative but to appeal to your Grace for that equity and justice which has been denied him by the Government of this Presidency. The orders appealed from are all the more harsh and relentless in their character, because their effect is to shut against him all avenues to respectable employment in any other department of life, so long as he lies under the moral ban of public exclusion from the service of the State, such exclusion having been notified and published to the world in the Official Gazette.

2. The circumstances out of which the charges against your Memorialist were called into existence were the following. On the 28th June 1866, your Memorialist, in the course of his duty, proceeded to the platform called Oomarungadoo to conduct the sales of Salt in progress there. Your Memorialist arrived at about 1 P. M; the Shroff (or custodian of the money) having long preceded him, to take and receive the payments of the intending purchasers. It is the duty of the Shroff to take these payments, and to give the purchasers a receipt for the money; and on the production of this receipt, the Superintendent (conducting the sales) orders the quantity of Salt which the payment covers to be weighed out to the purchasers. In fact, the Superintendent, in this transaction, is an authorized salesman delivering to the purchaser an equivalent for his money, only that, instead of actually receiving the money, he accepts an acknowledgment of its having been paid to the officer duly authorized to receive it. The Superintendent is the Shroff's immediate superior, and consequently oversees his work; but the Shroff is nevertheless the authorized receiver and custodian of the sale proceeds of the Salt supplied to purchasers, solely and entirely responsible for the money he takes; and he conducts his duties under a heavy Security Bond duly executed to Government. On the day referred to, your Memorialist stationed in front of the Salt heaps, received a receipt* issued by the Shroff for a total purchase of 577 maunds, and thereupon proceeded to weigh out and deliver that quantity to the several parties who had purchased it; the Shroff being directed to prepare and deliver to the Deputy Head Constable (in police charge) the necessary pass† signed by your Memorialist, as the Constable's authority to permit the carts loaded with the Salt to pass out of the premises. Shortly after, a second receipt‡ for 50 maunds of Salt was received by your Memorialist, which quantity also he caused to be weighed out and delivered to the parties who had purchased it; duly signing a corresponding pass¶ for this further quantity. By this time (about 4 P. M.) the day's transactions were over, and your Memorialist was preparing to quit the

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* Vide A of Appendix.

† Vide B of Appendix.

‡ Vide C of Appendix.

¶ Vide D of Appendix.

platform for the Salt Cutchery, where he was wont to examine and compare the Shroff's receipts and passes with his chittah (or Day Book in which each item is entered as it takes place), and take an account of the money collected and do all other necessary office work before going home for the day. As your Memorialist was stepping into his bandy, he was accosted by the Deputy Head Constable and the other Constables, and informed by them that they objected to the second of the passes abovementioned, as it was made for four carts which had no existence; the total number of carts on the premises, viz., 48 having been already covered by the first pass. The Police insisted on the Shroff who had left for the Cutchery being sent for, the bandies searched, and the money and receipts being given up to them. Apprehending that nothing but a clerical error, if any, had been committed, and that the Police were making much ado about nothing, your Memorialist remarked that there was no occasion for all this, and that he would see that the error was rectified; more especially as no loss to Government had been occasioned by the mistake; for, on looking into the receipts which were in his possession, he found that 577+50=627 maunds had been sold and the money realized for the same, only that the quantity instead of being loaded on 52 carts as the two passes made out, was actually loaded on 48 carts. As it turned out, however, the Police had long waited for a contingency of this kind to turn tables upon your Memorialist, who had frequently reported them for their supineness and inattention to their duties, which had afforded room for frequent robberies at the platforms. In consequence of these complaints, some of the Contables were removed to other stations, while others were dismissed.

3. As the Police however insisted on an enquiry, and even grew insolent to your Memorialist, he caused the Shroff to be brought back with all his papers and money. Your Memorialist examined the receipts and took an account of the money collected, and found that 627 maunds had been sold in all, the sale proceeds of which amounted to Rs. 1,058-1-0. The quantity sold was correct, and its equivalent in money was correct: there was only a mistake in the number of bandies or carts, 48 being the actual number, instead of 52 as made out by the passes; and for this carelessness your Memorialist took the Shroff to task severely. The Shroff at once admitted his mistake, and begged to be excused for having committed it inadvertently in the pressure of the day's work. As it really did appear to your Memorialist to be but a clerical error, and as the money was safely in hand, your Memorialist offered to correct the clerical error in respect to the number of carts. The circumstance of the money however being in separate bags was taken advantage of by the peons, who, it appeared, had been watching the proceedings of the Shroff the whole day, to fasten on him, and on your Memorialist too, if possible, a charge of attempting to embezzle the price of the 50 maunds (viz. Rs. 84-6-0) for which the second pass had been made out. Your Memorialist could not entertain this notion. On the face of it, it was impossible to embezzle the money, because the money must tally, not with the number of carts, but with the quantities of Salt entered in the receipts; and if there really was any intention on the part of the Shroff to embezzle the Rs. 84-6-0, it was most clumsy of him, to say the least of it, to make out passes for 52 bandies when they were really only 48, a circumstance which could not escape the notice of the peons, who had to pass out the bandies according to the passes delivered to them. As to the money being in different bags, it was explained by the Shroff that in order to lighten his labour, he had at once separated the coins in which the money had been paid to him: thus one bag contained full old rupees, a second bag contained small coin, and in a separate bundle the Shroff had put 83 new Rupees which he had received during the course of the day. With this, however, your Memorialist had nothing to do. It was no part of his duty to see how the Shroff separated the different descriptions of coin. All that he cared for, was that at the end of the day's duty, the Shroff produced in the Cutchery the money taken by him for the Salt sold and delivered by your Memorialist.

Mds.	Rs. A. P.	Rs. A. P.
577 @	1-11-0 =	973-11-0
50 @	do.	84-6-0
627		1,058-1-0

4. Your Memorialist enters into this explanation to account for his offering to correct the clerical error in respect to the number of carts, he being *bonâ fide* of opinion that no attempt had been made, or could be made successfully, to embezzle the public money. As the Police however pressed for an enquiry, and were even violent in their demands and demeanour, your Memorialist caused the Chittahs,* Receipts, passes, and money to be delivered up to them, and proceeded homewards to report the circumstance to the Collector and Magistrate of the District, fully intending to bring to his special notice the insolent conduct of the Police peons to himself (the Memorialist), in that they had even laid hands on him and examined his clothes and person. The Police were unusually active, however, in this affair. They enlisted the native Sub-Magistrate on their side, who came down the same evening to the Station and took charge of the money and papers, and in conjunction with the Police framed the following charge.

"Charge framed by the Police against the Superintendent of Merkanum, before the Sub-Magistrate in a report marked E.†

"On the 28th June 1866, Salt Superintendent Bashicacharry, and Shroff Vasoodeva Pillay, came to the platform No. 7, called Oomarungidoo, sold Salt, and issued passes. On examination was found a deficit of 50 maunds in the pass, while the Salt bandies contained 50 maunds more. The Salt Superintendent and others vere asked by me on this point; but they gave no proper answer. As this state of things hasoften happened, and on the supposition that they might have defrauded Government of much of its property, I have interrupted the Salt carts, and have taken possession of the money (the sale proceeds of the day) as well as the Chittahs and Accounts. I pray for instructions as to my future conduct in the matter, upon an examination of the Salt carts, money bags, and accounts."

(Signed) VEERABUTHRA PUNDARUM,
Deputy Constable.

On this charge the Sub-Magistrate proceeded to hold a regular Magisterial enquiry, taking depositions‡ from the Police on oath, conveniently forgetting however to hold this enquiry in the presence of your Memorialist, and the other salt servants; so that they knew nothing at all of what was being done, much less had they the opportunity of confronting and cross examining their accusers.

5. On the evening of the occurrences referred to above, your Memorialist submitted a report to his immediate superior, the Deputy Collector in charge of the Salt Department, who in his turn forwarded it to Mr. Reade, the Collector of the District. Mr. Reade deputed Mr. Thomas, then a probationary Deputy Collector, but not a Magistrate with full powers, to hold a departmental enquiry and report the result for his information. That inexperienced young man however, influenced by Captain Swanston, the Superintendent of Police, and in direct contravention of the orders received by him from his own superior, as will appear from an official Memo. addressed by Mr. Reade to Mr. Thomas, dated 9th July 1866, subsequently referred to, proceeded to hold a Magisterial enquiry instead, signing himself Deputy Magistrate as though invested with full powers, and framing no less than the following six charges as against your Memorialist himself.

"I. That the 1st defendant did on or about the 28th June 1866 commit criminal breach of trust under section 409 of the Indian Penal Code, with regard to Rupees 84-6-0, the value of 50 maunds of salt he had sold.

II. That the 1st defendant did on or about the 28th June 1866 attempt to commit criminal breach of trust as above.

III. That the 1st defendant did on the above date issue and sign a false certificate, knowing it to be false, thus committing an offence under sec. 197 of the Indian Penal Code.

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* Vide E and F of Appendix.

† Vide G of Appendix.

‡ Vide H of Appendix.

IV. That the above defendant did attempt the above crime on the date as above.

V. That the 1st defendant did on the 28th June 1866 commit a crime, under sec. 198 of the Indian Penal Code, by attempting to use as true a certificate which he knew to be false.

VI. That the 1st defendant did commit a crime under section 214 of the Indian Penal Code by offering a bribe to Deputy Constable, No. 278, to abstain from reporting the first four crimes."

Mr. Thomas placed your Memorialist under examination for four or five days, and then issued a warrant* for his apprehension, contrary to the orders of his superior as will appear from the printed correspondence† noted in the margin. The whole of Mr. Thomas' proceedings‡ were so illegal and utterly unjustifiable, that Mr. Reade set them aside, and directed his Head Assistant, Mr. Hughesdon, to undertake the enquiry. Before taking up the proceedings of this officer, your Memorialist would here mention that he was not permitted to put the proceedings of Mr. Thomas in evidence, and that by being thereby prevented from showing how the prosecution had materially contradicted itself, he was deprived of the opportunity of the more triumphantly obtaining his ultimate acquittal.

* Vide I of Appendix.
† Vide J, K and L of Appendix.
‡ Vide M of Appendix.

6. Your Memorialist has just mentioned that in Mr. Thomas' proceedings, he was misled by Capt. Swanston, the Superintendent of Police, to act against the instructions of his superior, Mr. Reade. Fortunately this appears from the official correspondence which passed between Mr. Reade and Mr. Thomas on this subject. In his letter to Mr. Thomas, dated 7th July 1866, No. 656, Mr. Reade says.—"I reserve my opinion on your proceedings until I learn more of them. Meanwhile, I do not feel at all satisfied that you have acted properly, or judiciously, in proceeding against the salt servants magisterially. They are strictly Revenue servants, subject to a special Revenue Law (Reg. IX of 1822) which has not been repealed by the new Criminal law, and unless for any cogent reasons a criminal indictment was called for, it is under the provisions of the former that all Revenue servants should be tried for offences which come within its scope or provisions." Again, in his official Memorandum, dated 9th July 1866, No. 663, Mr. Reade observes.—"The Collector has received the proceedings held before the Deputy Collector, Mr. Thomas; and as it appears by a letter received from the Superintendent of Police, that Captain Swanston has taken upon himself to interfere with the Collector's instructions issued to Mr. Thomas, the latter officer is now directed at once to carry out those instructions as furnished to him under date the 7th instant; and to prevent all further misunderstanding, a warrant is now enclosed admitting the Salt Superintendent and Shroff to bail, who are therein directed to appear at this office on the 14th instant, or as soon after as possible."

7. In referring the case to his Head Assistant, Mr. Hughesdon, it is noteworthy to observe how Mr. Reade expressed himself. In para 3 of his official Memorandum, dated 16th July¶ 1866, No. 313, addressed to that gentleman, Mr. Reade says.—"The Collector might have tried the case himself, or have submitted it for trial before Mr. Wright, the Deputy Magistrate with full powers; but there were objections to either course. It was the Collector who appointed the Salt Superintendent to his present post, and Bashica Charloo was selected much against his own will, because of the great confidence which the Collector reposed in his integrity and uprightness founded upon past experience; and thus the Collector has thought it the most judicious arrangement that the case should be tried before an Officer, to whom all the parties concerned are unknown, and before whose Court, therefore, the accused will have a fair and impartial trial." Whether this last expectation was well founded, the sequel alone showed.

¶ Vide N of Appendix.

8. Mr. Hughesdon commenced his proceedings§ by indicting your Memorialist on the four following charges:—

§ Vide O of Appendix.

"I. That 1st prisoner, Bashica Charry, being Superintendent of the Salt Pans and a public servant, did on the 28th ultimo at Merkanum dishonestly misappropriate the sum of Rs. 84-6-0 or thereabouts, being the proceeds of the sale on Government account of a certain quantity of salt, and that he thereby committed criminal breach of trust by a public servant, an offence punishable under Sec. 409 of the Indian Penal Code, and within the cognizance of this Court."

"II. That the said Bashica Charry, being Superintendent of the Salt Pans and a public servant, did on the 28th ultimo at Merkanum attempt to dishonestly misappropriate the sum of Rs. 84-6-0, or thereabouts, being the proceeds of the sale on Government account of a certain quantity of salt, and that he thereby attempted to commit criminal breach of trust, an offence punishable under Sec. 511 I. P. C., and within the cognizance of this Court."

"III. That Bashica Charry being Superintendent of the Salt Pans and a public servant did on the 28th ultimo at Merkanum abet the dishonest misappropriation of Rs. 84-6-0, or thereabouts, being the proceeds of the sale on Government account of a certain quantity of Salt, and that he thereby committed an offence punishable under Sec. 109 I. P. C., and within the cognizance of this Court."

"IV. That Bashica Charry being Superintendent of the Salt Pans and a public servant did on the 28th ultimo at Merkanum abet an attempt to dishonestly misappropriate the sum of Rs. 84-6-0, or thereabouts, being the proceeds of the sale on Government account of a certain quantity of Salt, and that he thereby committed an offence punishable under Sec. 109 I. P. C., and within the cognizance of this Court."

9. Again did the influence of the Police operate inimically to the interests of your Memorialist. The virtual prosecutor was Captain Swanston who had zealously espoused the cause of his myrmidons; and this gentleman lived under the same roof and partook of the same table with Mr. Hughesdon. This may wear the appearance of an impudent insinuation against English gentlemen, as falling from the mouth of a poor Hindoo; but if unconstitutional acts, instigated by his European accuser, are committed by his European Judge, then your Memorialist feels sure that your Grace will allow that your Memorialist, though a poor Hindoo, may make the implication with as much justice, as if he (the sufferer) were a British born subject.

10. Eight witnesses had been examined by Mr. Thomas, the probationary Deputy Collector; but these had so miserably failed in coming up to the mark, and had so manifestly contradicted each other and themselves, that guided by Mr. Thomas' proceedings which he had in his hand, but which he nevertheless refused your Memorialist to make use of, Mr. Hughesdon selected four of those most likely to bear a further test, and placed them under examination. It is important to mention here that these 4 witnesses are Police Constables. To have refused your Memorialist the right of contrasting the evidence of these witnesses with their depositions before Mr. Thomas was bad enough. Had your Memorialist been allowed to exercise this right, which the Magistrate of the district fully intended, as he had sent Mr. Thomas' proceedings to Mr. Hughesdon for this express purpose, the prosecution must have utterly broken down, and your Memorialist have been triumphantly acquitted. But the disinclination to hold the balance of justice evenly between the accuser and the accused did not stop here: Mr. Hughesdon took the most unconstitutional step of peremptorily refusing your Memorialist the right of cross-examining the witnesses, when your Memorialist offered to cross-examine each witness as he finished his examination in chief. This indefeasible right which the meanest criminal enjoys under the shadow of the British Crown having been thus sternly refused your Memorialist, what object could the Magistrate have had in thus violently departing from the constitutional procedure of Criminal Courts, than that of playing into the hands of the Prosecution, who thus had it all their own way? And is not your Memorialist justified in making the implication he does, coupling this result with the circumstance of his accuser and his judge living under the same roof and partaking of the same table? This denial of his

right of cross examination was subsequently condemned, as your Memorialist will presently show, by the highest tribunal of justice in this Presidency. This is not all. Mr. Hughesdon also admitted as part of his records the Proceedings of the Sub-Magistrate which were held in the absence of your Memorialist.

11. Notwithstanding that the Prosecution had it all their own way, notwithstanding that your Memorialist was denied his birthright as a British subject of cross examining his accusers, notwithstanding that he was peremptorily refused the advantage of contrasting the evidence of the witnesses with their previous depositions before Mr Thomas, three of the four formidable charges framed by Mr. Hughesdon vanish; and he finds it is in his power, after straining his utmost, to play into the hands of the Prosecution only to the extent of one charge. His condemnation* is couched in the following words:—"Taking, then, all the evidence into consideration, I cannot avoid the conclusion that the 1st prisoner had conspired with the 2nd prisoner to defraud the Government, and that he thereby committed an offence punishable under Section 109 of the Indian Penal Code." This conviction then was on the 3rd charge of abetting the misappropriation of Rs. 84-6-0. Your Memorialist would here take the opportunity of mentioning another prayer of his which was denied by Mr. Hughesdon. The 50 maunds of salt which the 2nd pass covered, were sold to Kadir Saib. Your Memorialist prayed that Kadir Saib might be sent for and examined; but Mr. Hughesdon refused to do this, stating that it was his pleasure to summon him or not. This is obvious from the note appended by Mr. Hughesdon to his Proceedings dated 23rd July 1866, in which there occur these remarkable words.—"The Court reserves to itself the power of adjourning the case should the attendance of Kadir Saib appear to be necessary."

* Vide P. of Appendix.

12. It would be most inconvenient, if not next to impossible, to note in this place all the contradictions and inconsistencies characterizing the evidence of the witnesses for the prosecution, and which, even if cursorily read, must show that they have been concocting a tale. A separate statement† (with remarks) is herewith submitted to show how the story of the prosecution is not entitled to credit; but your Memorialist will, for the sake of ready apprehension, instance one or two points which make against the truthfulness of your Memorialist's accusers, and establish his own innocence. As to the separate bundle which the peons say they observed under the arm-pit of the Shroff, before the Sub-Magistrate they swore that the Shroff gave this bundle into the *hands* of the Superintendent, and that the Superintendent received the bundle into his *hands.* Before Mr. Thomas and Mr. Hughesdon, they state that the Shroff put this bundle down by the *side* of the Superintendent. Before Mr. Thomas the Deputy Constable and one of the peons swore that they saw the Superintendent take out a blank pass and write in it the name of Kader Saib for 50 maunds of Salt. As however it was proved that the entry was not in the hand-writing of the Superintendent, they withdrew their statement before Mr. Hughesdon and altered it to this effect.—"On the pass that the Superintendent had in his hand, one line *was written* and the Superintendent's signature—*Whether the Superintendent wrote the line, we don't know—the name of Kader Saib and 50 maunds of Salt were written in the line.*" Then, as to the objections made by the Police to the second pass being made out, the Deputy Constable and his satellites depose before Mr. Hughesdon.—"The Superintendent put the pen into the ink-bottle, and *wrote something in the pass he had in his hand*—Deputy Constable refused, saying he was not to write anything, and *threw the ink-bottle away.*" Before Mr. Thomas however, the story of the Deputy Constable was "he did not stop the Superintendent from writing the 2nd pass—*he thought let the Superintendent write the 2nd pass and give it to him*; while the 2nd witness deposed "Deputy Constable tried to prevent the Superintendent from writing a 2nd pass, *but could not as he finished too soon.*" Before the Sub-Magistrate the evidence on this point is *nil.* Again, as to the offer of a bribe to hush up the matter, which was one of the charges sought to be fastened by the Police on your Memorialist, but which Mr. Hughesdon was compelled to reject, the Deputy Constable swore that your Memorialist offered him 500 Rupees, whereas the second witness swore that your Memorialist offered 300 and the Shroff 200 to each (Deputy Constable included) and the 3rd swore nothing on this point; and the 4th swore that each (Deputy Constable included) was offered 20 Rupees by the Shroff, while he distinctly affirmed that he was by all the while, and never heard your Memorialist offer any money at all!! The last point which your Memorialist will notice in this place is, that the peons swore that the Superintendent ordered his Mussaljee (Moonian) and a peon whose name was not known to the Police (!) to take the papers and the money bags to the Police station; whereas Moonian deposed before Mr. Thomas that he never went to the Superintendent's house after he (Supt.) returned from the sale, and that he was ordered by the Deputy Constable to take the papers and bags to the Police station. And the fact was that the Police carried away the papers and money themselves from the pans, as will appear from the deposition of the Deputy Constable who swore as follows: "This one (K) is the clerk's Chittah I took at the pans"; and "This one (L) is the Shroff's Chittah which I also took at the pans."

† Vide Q. of Appendix.

13. From his conviction by the Magistrate (Mr. Hughesdon) your Memorialist appealed to the only tribunal that was open to him, viz., the Court of George Ellis, Esq., the Session Judge of Cuddalore. In doing so, your Memorialist, feeling that his case was going up in a most defective form before the last Court of Appeal, expressly petitioned that the proceedings held and depositions taken by Mr. Thomas should be sent for and perused; but unhappily, the Judge held that he could not break through the usual routine—the proceedings in question had neither been forwarded nor referred to by the Head Assistant Magistrate. This is the objection which the Judge assigned, while Mr. Hughesdon's plea for refusing your Memorialist's prayer was that Mr. Reade had cancelled Mr. Thomas' proceedings! Your Memorialist did not omit also to take that most serious ground of objection that he had not been allowed to cross-examine the witnesses. It must be here explained that Mr. Hughesdon, after the case had been closed, made a show of fairness by offering to your Memorialist the opportunity of calling back the witnesses, and cross-examining them if he liked. But of this magnanimous concession he declined to avail himself, and wisely so, because the virtue and searching test of a cross-examination were entirely lost after the prisoner had closed his defence, and the witnesses for the prosecution had communicated with each other. The Session Judge overruled your Memorialist's objection, because, as he said, Mr. Hughesdon appeared to have acted on the provisions of Section 252 of the Criminal Procedure Code, which permit the accused to re-call and cross-examine the witnesses for the prosecution. It may be convenient to mention in this place that the matter having attracted the attention of Government, was by them referred to the Judges of the High Court, who in Proceedings, dated 17th May* 1867, expressed themselves as follows—"The High Court are of opinion that the Acting Head Assistant Magistrate of South Arcot acted wrongly in not permitting the 1st prisoner's counsel, in the case brought to the Judges' notice, to cross-examine the witnesses for the prosecution before the case for the prosecution was closed. The effect of Section 249 is to import into the preliminary examination the rules enjoined in Chapter XII for the examination of witnesses. They are therefore to be examined in the presence of the accused, who is to be permitted to cross-examine them. Then, if on that examination, the Magistrate considers it necessary to frame a charge, the accused is to have the right by Section 252, in aid of his defence, of re-calling and further cross-examining the witnesses for the prosecution."

* Vide R. of Appendix.

14. Notwithstanding the denial and utter absence of this great safeguard, in the interests of your Memorialist, yet upon a careful perusal and consideration of the one-sided record in which the prosecution had had the fullest swing of which it was capable, the Sessions Judge honorably acquitted† your Memorialist of all criminal complicity in the alleged transaction, but upon an imperfect apprehension of the

† Vide S. of Appendix.

duties of your Memorialist, recorded an opinion favoring the idea that your Memorialist had desired to shelter the Shroff from any enquiry into acts committed by him (the Shroff). This opinion the Judge conveys in these words—"the acts of the prisoner, after the re-call of the Shroff, are compatible with an ignorance of the Shroff's attempt to misappropriate the Government money, though they are certainly not those of an upright public servant, whose duty it was to safeguard the interests committed to his charge."

15. As an incident in the train of untoward circumstances which operated so prejudicially to your Memorialist, and in keeping with the inimical influences brought to bear against him, an allusion to this case found a place in one of the Madras papers, whereupon one of the Secretaries to Government attracted by such newspaper allusion, and even while the case was still pending before the Sessions Judge of Cuddalore, called* upon the Collector through the Board of Revenue to furnish a report as to the antecedents of your humble Memorialist. Mr. Reade (the Collector) in reply† stated "I have only to add, as regards Bashika Charloo, that I have ever found him a most able, painstaking, and zealous public servant, and one in whom, up to the period of the unfortunate charge against him by the Police, I had every trust and confidence." "Pending the result of the appeal, it would be premature and out of place for me to offer any comment on the recent conviction of these two servants, *though I have my own views on the trial and its result before my Head Assistant, to whom circumstances compelled me to refer the case for disposal.*" Notwithstanding this strong expression of opinion on the part of your Memorialist's superior, who was at the same time the head of the district, neither the Government, nor the Board of Revenue, who were so unusually quick in noticing and acting upon a newspaper paragraph, called upon the Collector to state his views on the subject, or to explain why he so strongly disapproved of the proceedings of his Head Assistant, "to whom circumstances compelled him to refer the case for disposal." Had such a course been immediately followed, it is not at all improbable that the Government views of any culpability attaching to your Memorialist might have been quite different.

* Order of Government, 7th August 1866, No. 1988.

† Collector's letter, 7th September 1866, No. 175.

16. On the 1st October‡ 1866, Mr. Reade forwarded the Proceedings of the Sessions Judge of Cuddalore, with the view of obtaining instructions for your Memorialist's re-employment. He pointed out that, to his mind, the reasons assigned by the Sessions Judge, for reversing the conviction of your Memorialist, did not amount to "an honorable acquittal" because the result, in the opinion of the Judge appeared to be owing to "an absence of the required legal proof" founded on the weakness of the prosecution, and "the benefit of a doubt." Mr. Reade was disposed to admit that your Memorialist was perhaps guilty of negligence, but not of "criminal connivance" at the offence attempted by the Shroff; and added "apart from the reasons which seem to support this conclusion, I am confirmed in it by the high character I had been led to form of Bashica Charloo from his antecedents, and from my experience of his character while in sole charge of the Income Tax Office and other duties. Moreover, in estimating the mere probabilities of a man's guilt where direct evidence of it is wanting, some little weight is due, I think, to the position and respectability of his family; and I may here observe that the uncle of Bashica Charlu (Tiruvengada Charlu, late Deputy Collector in this district) had always maintained a high reputation as an able and upright officer; and he died after 33 years' service as Treasury Deputy Collector of Tanjore; and an elder brother, recently appointed Tahsildar of Cuddalore also died in July last, leaving Bashica Charlu the only surviving direct male relative in the family." Mr. Reade then added "I mention the foregoing particulars, because it is necessary that I should be favored with the instructions of Government as to Bashica Charlu's re-employment in the public service; and I desire to know whether such re-employment is to be in any way restricted or conditional." Thus it is evident that to the mind of the head of the district there was no doubt as to the re-employment of your Memorialist, however apprehensive he might have been that such re-employment might possibly have certain conditions attached to it.

‡ Collector's letter, dated 1st October 1866, No. 197.

17. It is time that your Memorialist should now come to the sentiments with which the proceedings were viewed by the Board of Revenue, when sending up the case for the information of Government. To support their view that your Memorialist had "*sanctioned and connived at irregularities,*" they quote the Rule for the guidance of salt servants in the sale of salt, which is in these terms:—"Parties desirous of purchasing salt shall pay the price to the Shroff, who after entering it in his chittah with the necessary particulars, shall grant them a receipt. The entries of the receipt will be filled up with reference to the chittah. The receipt shall then be attested with the signature of the Shroff, and made over to the purchasers. This receipt shall be produced to the officer conducting the sale. After the salt is measured and delivered, the receipt shall be forwarded to the Huzur by each day's post. The account sale of salt shall be kept by the Nevisindah, who, on the production of the receipt described in the previous paragraph, shall make the necessary entries in his account, and then deliver the quantity to the receipt holder." Now what was there in this that the Superintendent failed to do? The story of the prosecution itself is that on the receipts signed by the Shroff being put into the hands of the Superintendent, he called out the names of the parties entered in the receipt and the quantities which each had paid for, and caused the weighment and delivery of the salt purchased. It was in this way that the peons admit that they came to know what sales were taking place. As a fact proved beyond all doubt, and as indicative therefore on the part of your Memorialist of grave violation of the Salt rules, the Board proceed to assume that the paper which your Memorialist held in his hands, and according to which he delivered Salt to the purchasers, was not the *authorized receipt signed by the Shroff*, but *a piece of loose paper* from which the Shroff afterwards made up whatever receipt suited his purposes. Were this the case, your Memorialist must admit a gross irregularity on his part which would have afforded abundant opportunity to any dishonest subordinate to defraud the Government. But this rests upon the uncorroborated testimony of a single Policeman, whose three fellows not only say nothing of this loose piece of paper, but the tendency of their testimony appears to point entirely the other way—not from any want of animosity to your Memorialist, but simply because they had not come to a previous agreement on this part of their concoction. The Policeman who deposes to this unauthorized loose paper is one Veerabuthra Pundarum, the Deputy Head Constable. His story before the Head Assistant Magistrate is—"the Shroff gave the Superintendent a *piece of common country paper*, on which were written the names of bandymen, amount of money, and quantity of Salt; with reference to this piece of paper, the Superintendent ordered Salt to be weighed out to the bandymen." It must here be particularly noticed that in his first report to the Sub-Magistrate, and in his subsequent formal deposition on oath before the same authority, he made no mention whatever of this *piece of common country paper*, which he could not have omitted if the circumstance were true, at a time when the occurrence was quite fresh in his memory. The 2nd witness, Constable Casava Row, equally active as the foregoing on his watch, says, "The Shroff takes the money and writes *the receipt* for each bandyman, and at the same time calls out each bandyman's name. I heard the Shroff call out each bandyman's name. The Shroff also told the weigher to weigh out so many maunds for each bandyman: in this way I heard the number of maunds." The 3rd witness, Constable Perumalu, "The Salt Superintendent called out the names; thereupon Deputy Constable also called out—the Deputy Constable was standing on the platform—we were standing at a distance of 4 yards from him." Not a word about the *common country* paper spoken of by the 1st witness. The 4th witness, Constable Syed Hoossain, "Bandymen paid money to the Shroff—Superintendent ordered Salt to be weighed out to the bandymen—the Shroff kept *a certain account* which he gave to the Superintendent, and according to the account the Superintendent was

ordering Salt to be weighed out. The Superintendent called out each man's name *in the order in which money had been paid*—he also called out the number of maunds for each man." These were all the individuals who professed to be eye witnesses of the proceedings at the Salt platform on the 28th June 1866; and besides what was said by the 1st witness, is there any thing to point to other than the authorized receipt being in the hands of your Memorialist when he conducted the sale? It is true that in his summary the Head Assistant Magistrate accepts the version of the 1st witness as a representation of what actually took place on the Salt platform on that memorable day, and accordingly "*the common country paper*" figures in his account as the general story of all the witnesses; but that that was not so unmistakable a feature of the day's transactions, your Memorialist has only to call attention to paragraph 14 of the Session Judge's Proceedings, which runs as follows.—"A reference is made in the 1st. witness' deposition to a piece of country paper, which the Shroff is said to have taken to the Superintendent (first prisoner), on receipt of which the first prisoner called out the names of the purchasers and the quantity of Salt to be weighed out. Whether this is document B, or not, does not appear quite clear."—Document B, was described in paragraph 12 of the Judge's proceedings to be "a receipt signed by the Shroff, showing the amount of Salt sold and its value."—"But the Court does not consider this a matter of material importance; nor is to be gathered satisfactorily when the Shroff (2nd prisoner) prepared the clerk's and Shroff's chittahs. Both, however, were prepared by him; and this is accounted for by the prisoners' pleaders, who assert that the rest of the office was employed in making up the monthly accounts." Now, it will be remembered that the Police impounded all the papers, &c., on the Salt premises. What then became of this mysterious country paper? Nobody says any thing about any paper having been destroyed, or otherwise disposed of; and the only existence the "*common country paper*" could have had, was that in the fervid imagination of an over-zealous Policeman. Under these circumstances, the Board of Revenue were not justified in assuming that to be the undisputed part of the day's transactions which the Session Judge considered by no means proved. In short, the Board had no warranty in fact when they thus reported to Government.—"The course of events appears to have been as follows. The Shroff noted down on a piece of loose paper the names of the intending purchasers, and the amount paid by each, instead of entering them at once in his chittah as required by the rules, and gave this paper to the Superintendent who, with reference to it, ordered the Salt to be weighed out and delivered to the parties."

18. Take away this *common country paper*, and the whole fabric of permitting any violation of the rules falls to the ground at once, because the Shroff and the Superintendent are conducting their separate duties at separate places, and it is only in the evening when they meet in the Cutcherry that the Superintendent is able to check the Shroff's work and see that the transactions of the day have been properly closed. In terms of extreme exaggeration, the Board proceed.—"The Superintendent's conduct after the detection, as detailed by the Police, was a prolonged effort to shield the Shroff, while admitting the grossly fraudulent irregularity to have been committed. He endeavoured to induce the Police to receive a second pass for the additional 50 maunds. He attempted to withdraw the chittahs which evidenced the fraud. *He offered the Police money if they would consent to hush up the matter.* He complained to the Deputy Collector in charge of the Salt, as to the interference of the Police, and their attempt to convert into a criminal offence what was merely a clerical error. In short, as stated in the proceedings of the Session Court, his conduct was anything but that of an honest public servant, anxious to guard the interest committed to his charge." With the sole exception of offering money to the Police to hush up the matter, what is there in the whole of this inconsistent with the conduct of a man who *bonâ fide* believed in the innocence of his subordinate. Your Memorialist knew that the Police were on the look-out for retaliation; he saw by a comparison of the receipts with the quantity actually sold that the money was safe, and all that he could detect was a mistake in the number of carts or waggons in which the Salt was to be removed. He fully and conscientiously believed that the Police were making a mountain of this molehill, and he accordingly offered to correct a mere clerical error, and asked them not to make such a fuss over the affair. When they insisted, however, on the enquiry proceeding, your Memorialist sent for the Shroff who had gone on to the cutcherry, and caused to be brought back all the papers, receipts, &c. and the money collected that day. This was all "*the prolonged effort*" that your Memorialist made "to shield the Shroff"; but his actual conduct he submits, was but the natural, if not indignant, action of an officer when he conscientiously believes that an unfounded accusation is made against his subordinate. As to the offer of money to hush up the affair, the Magistrate himself discredited the evidently false testimony of the Police on this point; so that the Board of Revenue grievously wronged your Memorialist in setting out the offer of money to the Police to hush affairs as an established part of "*the prolonged effort*" made by the Superintendent "to shield the Shroff."

19. It is very singular to note the fate of one of the four Policemen who gave evidence against your Memorialist. The 1st witness, Veerabuthra Pundarum, the Deputy Head Constable, was the chief agitator of this accusation; and for the conviction obtained by him against your Memorialist and the Shroff, he was immediately promoted to the office of Head Constable; but a few days after, he was himself accused of falsely concocting a case of theft against an innocent man, and was convicted by Mr. Hughesdon himself, the same Head Assistant Magistrate. Not long after, the poor man was bitten by a snake and died. The speedy conviction of his chief accuser is a strong presumption in favour of the innocence of the Salt servants; for the man that was found guilty in the one case of bearing false witness against his neighbour, was also capable of the like offence in the case of your Memorialist.

20. It is not for your Memorialist to make any comment on the verdict of the Session Court finding the Shroff guilty of fraud. Your Memorialist does not share in the opinion arrived at by the Court, and thinks that if the Court had dismissed from consideration the pencil memorandum* which the 2nd witness for the prosecution professed to have kept of the day's sale, the Judge would have arrived at a different conclusion as to the guilt of the Shroff. However, that may be, your Memorialist submits that there is nothing in the whole of the irregularity pointed out, as to the Shroff's chittah (or Day Book) not being at once written in as each occurrence took place, to lay at the door of your Memorialist as indicative on his part of wilfully affording opportunity to his subordinate to embezzle Government money. One of the witnesses for the prosecution (viz. the 6th) was Mahomed Esuff, the Deputy Collector in charge of the Salt Department, and hence the immediate superior of your Memorialist. He deposed to the practice of the Salt Department in conducting sales of Salt. That practice, in short, to use his word, is "when purchasers come to the pans for Salt, they pay their money into the Shoroff's hands; the Shroff enters the amount received in his chittah and gives the purchaser a receipt; the purchaser gives this receipt to the Salt Officer conducting the sales of Salt; this officer thereupon orders the required amount of Salt to be weighed out; this amount having previously been entered in the receipt. A receipt is not given invariably to each purchaser. If two or three purchasers come together, one receipt may be issued for the whole of them. That receipt, however, will contain the name of each purchaser, together with amount of money paid by each." In answer to a specific question put on behalf of your Memorialist, the Deputy Collector returned the following answer. "*There is no precise rule as to the time when the chittahs are to be examined by the Superintendent; he may examine them at intervals in the course of the day; but at all events he must do so at the close of the day. He may do so at the plat-form or at his office.*" When then, it is considered that the Shroff and Superintendent are conducting their duties, not under the roof of a single building, but at separate spots at the open

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* Vide T. of Appendix.

"I may remark on this point, that while the Session Judge who heard the appeal, overruled the objection to the Head Assistant's procedure grounded on the denial by that Officer of original cross-examination of the witnesses for the prosecution, the Judges of the High Court to whom the Government subsequently referred the question, have given their opinion that the Acting Head Assistant Magistrate acted wrongly."

"Government have taken no further notice of the original appeal of Bashica Charloo subsequent to the receipt of the foregoing opinion laid down by the highest legal authority, and I am therefore sanguine that a consideration of this important ruling may now influence Government, since it cannot be denied that so grave a defect in the Head Assistant's proceedings must have operated very prejudicially and unjustly against Bashica Charloo; and when viewed in connection with the cancelment of his conviction by the Session Court on grounds wholly irrespective of such defect, I think Government will agree that a strong case is made out in support of Bashica Charloo's prayer for re-employment in the public service, if not for his actual restoration, and I am sanguine that Government will agree with me in this opinion."

"There is another fact or feature in the case which has an important bearing on the present appeal, and that is, that the original proceedings held before my Deputy Collector, and which were unauthorized, if not illegal, develope many discrepancies in the evidence then and subsequently recorded at the formal trial, but although those proceedings were before the presiding officer at the trial, they were not actually in evidence against Bashica Charloo, and therefore the witnesses were not cross-examined on their previous statements, and neither was Bashica Charloo permitted the advantage of thus testing the truth of their testimony when formally recorded against him."

"I have already borne my testimony to Bashica Charloo as an able and (until this unfortunate occasion), as I had every reason to believe from my experience of him, upright public servant; and having known the elder branches of the family who are all now dead, I confess I shall be very glad if Government were able to give their favourable consideration to his present application, and to sanction the re-employment of Bashica Charloo in the public service by annulling the order under date the 20th March 1867, No. 668, Revenue Department, prohibiting such re-employment."

But notwithstanding this powerful appeal on his behalf by the Collector and Magistrate, the local head of the District of South Arcot, the Government of Madras passed the following order which speaks for itself:—

"The Government have again reviewed the facts of this case, and see no reason to modify the decision at which they formerly arrived."

"The Collector was out of order in transmitting in the manner he has done, a Memorial from a person who is no longer in the public service."—G. O. (Miscellaneous) 8th April 1868, No. 939.

24. While the action of Government has been so inveterate and bitter against your Memorialist notwithstanding the serious defects in the investigation of his case, and the powerful appeals on his behalf by the local head of the District in which he was employed, your Memorialist is constrained, though with the greatest deference, to point out that the action of the Government has been quite otherwise in the case of public servants in the same District, whose only offence has *not* been like that of your humble Memorialist, a mere attempt to screen a subordinate from punishment. One Kasava Charry, Police Inspector of Chedumbrum in this very District, was prosecuted for extortion and furnishing false information, in consequence of which certain innocent persons were punished. He was tried and convicted by the Joint Magistrate under Sections 177 and 203 of the Indian Penal Code and under the Police Act XXIV of 1859. He appealed to the Session Judge, but that authority confirmed the conviction. But while his appeal was actually pending, he was restored to his appointment in the Police. Then there was the Tahsildar of Virdachellum, Vencata Soobiah, who was prosecuted for embezzlement and extortion. He was convicted by the Joint Magistrate and actually admitted his guilt. But his case was afterwards transferred to the Revenue Department, and reported upon to the Board of Revenue, who suspended him for 6 months from his appointment of Tahsildar. On the expiration of this period he was restored to the Service. There are many more instances in this very District (South Arcot) and in others in which public servants who have even undergone imprisonment have emerged from their places of punishment and reverted to their former spheres of employment and power, and where they continue to the present day; but your Memorialist will instance only one more case of notoriety which has but very recently occurred. Mr. Dique, the Tahsildar of Cuddalore, was tried for bribery in the Department of the License Tax, and was twice committed by the Magistrate to the Sessions Court, where however he was acquitted by the Judge. In reporting upon his case to the Revenue Board in his letter dated 4th September 1868, No. 225, Mr. Reade adverted to the singularly hard case of your humble Memorialist. In paras 26 and 27 of that report, Mr. Reade writes—"In the case of the late Salt Superintendent of Merkanum, with which the Board will be familiar, although the sentence of the Head Assistant was quashed in appeal because not borne out by the evidence, and although it was shown by an after ruling of the High Court that a grave injustice had been done to the man by refusing to allow the cross-examination of certain witnesses, yet the Government have refused to extend any consideration to Bashica Charloo, and have publicly denounced him as unfit again to hold public employ."

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

25. In the Revenue Board's Standing Circular,* No. XLIV of 1866, it is ruled that an officer is entitled to reinstatement "provided the acquittal is *bonâ fide* on the merits of the case, and not in consequence of a mere technicality, a legal flaw in the evidence, collusion with the witnesses, or some similar circumstances." In your Memorialist's case, the acquittal was *bonâ fide* on the merits of the case, and not in

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* Vide Z. of Appendix.

consequence of any technicality; there was no collusion with the witnesses, or other similar circumstance; and what flaw there was in the procedure was entirely prejudicial to your Memorialist, in that the right of cross-examination had been denied him. According to the rules of the department itself, your Memorialist was entitled to immediate re-instatement. But as it was held that he was guilty of an attempt to screen his subordinate from punishment, which interference, however, your Memorialist solemnly affirms was entirely in the *bonâ fide* belief that the accusation against the Shroff was unfounded, it may be thought he is deserving of some punishment. In such a case, para 2 of the above quoted order suggests the punishment. It provides fine or suspension for "*any neglect, or minor dereliction of duty* brought to light during the enquiry." If your Memorialist then has really been culpably guilty, which he denies, of attempting to screen his subordinate from just punishment, his offence was open to expiation by fine or suspension—not total exclusion from the service. He has now been 3 years without employ, which represents by loss of salary a fine of 4,320 Rupees, a very heavy penalty indeed for an impulsive act which sprang from the natural instincts of our common humanity.

26. If your Grace is disposed to take this view of your Memorialist's case, and order his restoration to his office, your Memorialist will of course hail such a most favourable opportunity of having his character re-established in the eyes of the world, and his prospects in life once more set on in that path of progression, which he had fondly pictured to himself when he obtained employment under the British Crown. But if your Grace, unfortunately for your Memorialist, is not disposed to think that removal from office and loss of prospects, the substantial forfeiture of 4,320 Rupees, and the pain and anxiety suffered in all this trial, amount to adequate condonation for the isolated act of attempting to protect his subordinate from the consequences of a supposed error in his work, then your Memorialist presses upon your Grace the ruinous result of his exclusion from the public service having been notified in the Official Gazette. He is in the very prime of life and mental vigour. He has been well educated; and both by strength of intellect and vigour of physical constitution, he is fitted for almost any sphere of usefulness. But all avenues of respectable employment are shut against him; for who will give him the means of livelihood, so long as he lies under the stigma of exclusion from the service of the State? All the remainder of his allotted span of life is lost both to him and to those around him. His whole career is a complete shipwreck. Your Memorialist can hardly think that so magnanimous an employer as the British Crown in this country, would wish to pursue a servant so relentlessly for an error of judgment. Your Memorialist has therefore ventured to lay his whole case before your Grace, feeling confident that if his re-instatement is still deemed for any reason to be inexpedient, your Grace will at all events direct the Madras Government to annul and cancel their published order excluding him from the service of the State, so that at least he may, by the removal of such a ban, have the opportunity of earning an honest livelihood in some other sphere of life, instead of continuing to be, as he now is, a burden to himself and to his friends until night closes upon his career for ever.

27. Your Memorialist ventures to submit for your Grace's most favourable consideration the testimonials he has earned from time to time. And as in duty bound your Memorialist will ever pray.

Vide Z 1. of Appendix.

DATED CUDDALORE,
September 1869.

(Signed) C. BASHICA CHARLOO.

APPENDIX.

A

B

No. 1,011. *Receipt granted by the Shroff to the purchasers of Salt in acknowledgment of money value received by him for Fusly* 1275.

(Signed) M. E. SUF.

Year.	Month and date.	Fusly.	Pans.	Platform.	Number of the heap.	Destination.	Name of the purchaser of Salt and the place of his abode.	Value of Salt.		Quantity of Salt.	
								RS.	A.	Garce.	Maunds
1866.	June 28.	1273.	Merakanum.	Oomnarungadoo.		Vikravandy.	Ausoor Mooroogappa Nynar	106	5	...	63
							Tricullore Rungappah Odyan	146	13	...	87
							Moongapady Mookoo Pillay	288	9	...	171
							Mungaloor Narraina Pillay	189	0	...	112
							Poodoopolien Veerappa Chetty	239	10	...	142
							Areamootoo Padiachy	1	11	...	1
							Appoo Chety	1	11	...	1
								973	11	...	577

(Signed) C. BASHICA CHARRY, (Signed) VASOODAVA PILLAY,
Shroff.

(Signed) T. E. THOMAS,
Deputy Collector.

(True translation.)

B

A

No. 1,011. *Permit the Salt as herein certified to pass without delay, Fusly* 1275.

(Signed) J. C. H.
(Signed) M. E. SUF.

Date of issue.	To whom granted.	Quantity of Salt sold.	Number of carts or bullocks.
June 28, 1866.	Mooroogappa Nynar	63	Carts 48.
	Rungappah Odyan	87	
	Mookoo Pillay	171	
	Narraina Pillay	112	
	Veerappa Chetty...	142	
	Areamootoo Padiachy	1	
	Appoo Chetty	1	
		577	

(Signed) T. E. THOMAS,
Deputy Collector,

(Signed) C. BASHICA CHARRY,
Superintendent.

(True translation.)

C

D

No. 1012. *Receipt granted by the Shroff to the purchasers of Salt in acknowledgment of money value received by him for Fusly 1275.*

(Signed) J. C. H. (Signed) M. E. SUF.

Year.	Month and date.	Fusly.	Pans.	Platform.	No. of the heap.	Destination.	Name of the purchaser of Salt and the place of his abode.	Value of Salt.		Quantity of Salt.	
								RS.	A.	G.	MDS.
1866.	June 28.	1273.	Merakanum.	Oomunungadoo.		Salem.	Salem Kader Saib	84	6	...	50

(Signed) C. BASHICA CHARRY,
Superintendent.

(Signed) VASOODAVA PILLAY,
Shroff.

(Signed) T. E. THOMAS,
Deputy Collector.

(True translation.)

D

C

No. 1012. *Permit the Salt as herein specified to pass without delay. Fusly 1275.*

Date of issue.	To whom granted.	Quantity of Salt sold.	Number of carts or bullocks.
28th June 1866.	Kader Saib.	50	Carts 4.

(Signed) J. C. H.

(Signed) T. E. THOMAS,
Deputy Collector.

(Signed) C. BASHICA CHARRY,
Superintendent.

(True translation).

E

Shroff's account of money received from the purchasers of Salt in the Merakanum Division in South Arcot for fusly 1275 as per Rule 27 of Salt Manual.

Date.	Number of the sale.	Name of the purchaser.	To what place.	Home consumption.		Inland consumption.		Total.
				Quantity.	Amount.	Quantity.	Amount.	
1	2	3 .	4	5	6	7	8	9
					RS. A. P.			
June 1866. 22	1,003	Moodianoor Aroonachalla Chetty	Tiruvannamalay.	54	91 2 0			
		Do.	do.	2	3 6 0			
		Dasoor Aroomootha Moodelly	do.	42	70 14 0			
		Alagapah Counden ...	do.	84	141 12 0			
		Sava Counden	do.	92	155 4 0			
		Do.	do.	5	8 7 0			
		Mungalore Ailoo Naick ...	do.	52	87 12 0			
		Saman Nattan	do.	93	156 15 0			
				424	715 8 0			
	1,004	Kottavady Ramasamy Padiachy	Salem.	...	...	64	108 0 0	
		Do.	do.	...	...	3	5 1 0	
		Tookiampaliam Annamalay Counden	do.	...	...	69	116 7 0	
		Vythinathapooram Nelloo Puudarem	do.	...	...	60	101 4 0	
		Do.	do.	...	...	1	1 11 0	
		Aroonachalla Chetty ...	do.	...	...	1	1 11 0	
		Moodianoor Venkataramen	do.	...	...	16	27 0 0	
		Edecherry Ettiappa Counden	do.	...	...	4	6 12 0	
		Saman Nattan	do.	...	...	1	1 11 0	
						219	369 9 0	
	1,005	Ragoonathasamoothram Ragaven	Wandewash.	...	...	18	30 6 0	
		Do.	do.	...	...	2	3 6 0	
						20	33 12 0	
				... 424	... 715 8 0 0	239	403 5 0	1,118 13 0
		(Signed) VASOODAVA PILLAY, *Shroff.*		... 7,863	.. 13,268 13 0 0	2,782	4,694 10 0	17,963 7 0
						(Signed) C. Bashica Charry, *Salt Superintendent.*		
June. 26	1,009	Salem Malaya Counden ..	Salem.	...	...	279	470 13 0	
		Valavanoor Mottia Counden	do.	...	...	12	20 4 0	
		Merakanum Venkataraya Pillay	do.	...	...	5	8 7 0	
		Ettiapah Counden ...	do.	...	...	1	1 11 0	
		Mottia Counden... ...	do.	...	...	2	3 6 0	
						299	504 9 0	504 9 0
		(Signed) VASOODAVA PILLAY, *Shroff.*		8,122	.. 13,705 14	.. 4,461	7,527 15 0	21,233 13 0
						(Signed) C. Bashica Charry, *Salt Superintendent.*		
27	1,010	Mathiamangalam Cooppathi Nyoar	Viluppuram.	107	180 9 ...			
		Iyemperooma Counden ...	do.	159	268 5 ...			
				266	448 14 ..	...	... .	448 14 0
				8,388	.. 14,154 12	... 4,461	7,527 15 0	21,682 11 0

(Signed) VASOODAVA PILLAY,
Shroff.

(Signed) BASHICA CHARRY,
Salt Superintendent

Shroff's account of money received from the purchasers.—(Continued.)

Date.	Number of the sale.	Name of the purchaser.	To what place	Home consumption Quantity.	Home consumption Amount.	Inland consumption. Quantity.	Inland consumption. Amount.	Total.
1	2	3	4	5	6	7	7	9
June. 28	1,011	Ausoor Mooroogappa Nynar ...	Vikravandy.	63 ...	106 5 0			
		Tricullore Rungappah Odyan	do.	87	146 13 0			
		Moongapady Mookoo Pillay ...	do.	171	288 9 0			
		Mungaloor Narraina Pillay ...	do.	112 ...	189 ... 0			
		Poodoopoliem Veerappa Chetty ...	do.	142 ...	239 10 0			
		Areamootoo Padiachy ...	do.	1 ...	1 11 0			
		Appoo Chetty ...	do.	1 ...	1 11 0			
				... 577 ...	973 11 0			

(Signed) T. E. THOMAS,
Deputy Collector.

(Signed) J. C. H.
(Signed) M. E. SUF.

(True translation.)

F

Account Sale of Salt for Home and Inland consumption in the Merakanum Division in South Arcot for Fusly 1275, as per Rule 29, Salt Manual.

Date.	No. and name of the platform. Number.	No. and name of the platform. Name.	In what Fusly manufactured.	Number of Line.	Number of Heap.	Number of Pass.	Name of the purchaser.	Destination.	Whether wholesale or retail.	Quantity. Home consumption.	Quantity. Inland consumption.	On what laden. Number of bullocks.	On what laden. Horses or asses.	On what laden. Bandies.	On what laden. Boats.	On what laden. Coolies.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
June 1866. 22	...	Arasalum.	73	...	5	1,003	Moodianoor Aroonachella Chetty ...	Teruvannamullay.	Retail.	54 ...						
							Do. ...	do.	do.	2 ...						
							Dasoor Aroomootha Moodelly ...	do.	do.	42 ...						
							Alagapah Counden ...	do.	do.	84 ...						
							Sava Counden ...	do.	do.	92 ...						
							Do. ...	do.	do.	5 ...						
							Mungalore Ailoo Naick ...	do.	do.	52 ...						
							Saman Nattan ...	do.	do.	93 ...						
										424 ...	...	...	...	32		
					5	1,004	Kottavady Ramasamy Padiachy ...	Salem.	Retail.	...	64					
							Do. ...	do.	do.	...	3					
							Tookiampaliam Annamalay Counden ...	do.	do.	...	69					
							Vythinathapoorum Nelloo Pundarem ...	do.	do.	...	60					
							Do. ...	do.	do.	...	1					
								Carried over...		424 ...	197 ...			32		

Account Sale of Salt for Home and Inland consumption in the Merakanum Division—(Contd.)

Date.	No. and name of the platform. Number.	No. and name of the platform. Name.	In what Fusly manufactured.	Number of Line.	Number of Heap.	Number of Pass.	Name of the purchaser.	Destination.	Whether wholesale or retail.	Quantity. Home consumption.	Quantity. Inland consumption.	On what laden. Number of bullocks.	On what laden. Horses or asses.	On what laden. Bandies.	On what laden. Boats.	On what laden. Coolies.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
June 1866. 22		Arasalum.	73	...	5	1,004		Brought	forward.	424 ...	197 ...			32		
							Aroonachalla Chetty ...	Salem.	Retail.	...	1					
							Moodianoor Venkataramen	do.	do.	...	16					
							Edecherry Ettiappa Counden	do.	do.	...	4					
							Saman Nattan ...	do.	do.	...	1					
											219 ...	...	...	16		
					5	1,005	Ragoonathasamoothram Ragaven ...	Wandewash.	do.	...	18					
							Do. ...	do.	do.	...	2					
											20 ...	...	...	2	...	...
								...	...	424 ...	239 ...	...	...	50	...	...
								...	...	7,863 ...	2,782 ...	...		...	...	...

(Signed) STREENEVASA IYENGAR,
Head Clerk.

(Signed) C. Bashica Charry,
Salt Superintendent.

Date.	Number.	Name.	In what Fusly manufactured.	Number of Line.	Number of Heap.	Number of Pass.	Name of the purchaser.	Destination.	Whether wholesale or retail.	Home consumption.	Inland consumption.	Number of bullocks.	Horses or asses.	Bandies.	Boats.	Coolies.
June. 26		Commarungadoo	73		14	1,009	Salem Malaya Counden ...	Salem.	Retail.	...	279					
							Valavanoor Moottia Counden ...	do.	do.	...	12					
							Merakanum Venkatarsya Pillay ...	do.	do.	...	5					
							Ettiapah Counden ...	do.	do.	...	1					
							Mottia Counden ...	do.	do.	...	2					
											299 ...	...	...	24		
										8,122	4,461					

(Signed) C. Bashica Charry,
Salt Superintendent.

Date.	Number.	Name.	In what Fusly manufactured.	Number of Line.	Number of Heap.	Number of Pass.	Name of the purchaser.	Destination.	Whether wholesale or retail.	Home consumption.	Inland consumption.	Number of bullocks.	Horses or asses.	Bandies.	Boats.	Coolies.
June. 27		do	73			1,010	Mathiamangulam Cooppathi Nynar ...	Vilupporam.	Retail	... 107						
							Iyemperooma Counden ...	do.	do.	... 159						
										266 ...	...	...		22		
										8,388 ...	4,461					

(Signed) C. BASHICACHARRY,
Salt Superintendent.

Date.	Number.	Name.	In what Fusly manufactured.	Number of Line.	Number of Heap.	Number of Pass.	Name of the purchaser.	Destination.	Whether wholesale or retail.	Home consumption.	Inland consumption.	Number of bullocks.	Horses or asses.	Bandies.	Boats.	Coolies.
June. 28		do	73			1,011	Ausoor Mooroogappa Nynar ...	Vikravandy.	Retail.	... 63						
							Tricullore Rungappah Odyan	do.	do.	... 87						
							Moongapady Mookoo Pillay	do.	do.	... 171						
							Mungaloor Narraina Pillay	do.	do.	... 112						
							Poodoopoliem Veerappa Chetty ...	do.	do.	... 142						
							Areamoottoo Padiachy ...	do.	do.	... 1						
							Appoo Chetty ...	do.	do.	... 1						
										577 ...	...	...	...	48		

(Signed) J. C. H.
(Signed) T. E. THOMAS,
Deputy Collector.
(Signed) M. E. SUF,

(True translation)

G

Charge framed by the Police against the Salt Superintendent, before Merakanam Sub-Magistrate in a Report marked E.

On the 28th June 1866, Salt Superintendent Bashicacharry and Shroff Vasoodava Pillay, came to the platform No. 7 called Oommarungadoo, sold Salt, and issued passes. On examination, was found a deficit of 50 maunds in the pass, while the Salt bandies contained 50 maunds more. The Salt Superintendent and others were asked by me on this point; but they gave no proper answer. As this state of things has often happened, and on the supposition they might have defrauded Government of much of its property, I have interrupted the Salt carts and have taken possession of the money, the sale proceeds of the day as well as the chittahs and accounts. Pray for instruction as to my future conduct in the matter upon an examination of the Salt carts, money-bags, and accounts.

(Signed) VEERABUTHRA PUNDARUM
Deputy Constable.

(True translation).

H

Proceedings of the Sub-Magistrate.

Deposition of Veerabuthra Iyen, Deputy Constable, No. 278, attached to Shaigal pans of Merakanam Division, given on oath on the 29th June 1866, in Tamil language, before Teroovengada Moodelly, 2nd Class Sub-Magistrate of Merakanam.

The Salt Deputy Collector Mahomed Esuf and Salt Superintendent Bashicacharriar, examined in May last one of the old Salt heaps stored in last year at the platform called Oomarungadoo Shaigal pans in the Merakanam Division. On the 28th June, Salt Superintendent Bashicacharriar and Vasoodava Pillay, the Shroff, came to the above platform, at 12 A. M., and began to sell Salt to the bandymen in the said heap. I apprehended some suspicion in the sale of Salt, and therefore ordered Constables Kasavarow, No. 1,001, and Paroomal, No. 433, to keep an account of the day's sale, shewing the names of the carters who purchased Salt, and the quantity delivered to them.* I also placed myself near the said Constables, and helped them in the preparation of the account. At 4 P. M., the Salt servants closed the sale. The Salt Superintendent Bashica Charriar ordered me to pass out the carts in which Salt was loaded by giving me the pass No. 1,011 which I now produce; and he thereupon stepped into his bandy and started for Merakanam. The Shroff also had left the pans for Merakanam by a footway accompanied by the Salt peon named Cundojee, who carried the money bags. All the carters were about this time preparing to leave the platform. I compared the pass given by the Superintendent with the account kept by me, and found an excess of 50 maunds in my account over 577 maunds referred to in the pass. I immediately prevented the bandymen from starting. I also sent Constables Syedoosain, No. 679, and Peroomal, No. 433, to bring down the Shroff who had by this time gone off about 20 rods. I went to the Salt Superintendent to report the difference between the account and the pass, and asked him to have the receipts, passes, Salt carts, money, &c., searched. By this time the Shroff also came with the money. Superintendent caused the two money bags which the peon had to be put in the bandy, and said there would be no difference. I insisted on a search being made in reference to the pass. About this time the Shroff gave a bundle tied up in a white handkerchief which was under his left armpit to the Superintendent, who received it into his hands, and placed it in the bag containing small coins. I said to the Superintendent that the whole money should be counted, and insisted also on the bundle being separately kept. But the Superintendent refused to count the money and remarked that I might search and examine the bandies if I liked. I then said, I would not let the Superintendent and the money go. Thereupon the bag containing the whole Rupees was untied, and the contents were counted in the bandy by the Shroff. There were 849 whole Rupees; and then the bag containing small coins was untied, and the contents were counted in reference to the last counting. Up to 973-11-0, the money was counted aloud; and the bundle was afterwards untied and the contents, viz. whole Rupees counted, but this was not done aloud; and the Rupees were again tied up in the same bundle which was placed in the small coin bag. I objected to the bundle of money being placed in the bag, but to no purpose. I examined the Clerk's chittah, Shroff's chittah, and the receipt, and compared them with my pass and found every thing to be correct. The circumstance of the bundle of money not being counted aloud, however, roused my suspicion, and I said that I would not let the money go. The Superintendent thereupon asked the Shroff Vasoodava Pillay as to the cause of the difference of 50 maunds of Salt. The Shroff admitted that this was a mistake of his which he committed inadvertently. The Superintendent then turning to me desired to excuse him this time, and he also untied his dufter and took out from it a blank receipt No. 1,012, and a corresponding pass No. 1,012, and on the latter (pass No 1,012) he wrote the name of one Kader Saib, 50 maunds of Salt, and 8 bandies. He further observed that I derive no advantage by injuring the family-man and desired me to return him the pass that had been given to me, saying that he would enter all the names contained in it in the new pass written by him as one pass; but to this I did not consent. He begged me again by offering 500 Rupees, and untied the money bag; but to this also I did not consent. The Shroff Vasoodava Pillay thereupon falling prostrate at my feet, begged me to protect him; but I did not yield to his entreaties. Afterwards Superintendent stopped his bandy at his house, and went inside by wrapping up his upper cloth, when the Constables No. 679 and 1,001 said to me that the Superintendent had taken with him the chittahs. I immediately got into the house of the Superintendent and remarked that it was not proper on his part to have walked away with the chittahs into his house, and insisted on their being returned to me. Superintendent returned the papers to me, and also ordered his Mashalchee to take the money bags and the dufter to the Police Station. I followed the Mashalchee to the Station and delivered to Vencatasawmy Naidoo, the Deputy Constable up the money and the dufter. All these circumstances are known to the said Constables. Constable Mahomed Zaber also knows it. They were all present with me. I immediately submitted a report of these occurrences to you, and you came to the station, when I produced before you the second receipt and second pass in question, and observed to you that the Superintendent has uttered a falsehood by saying that the money and maunds referred to in the receipt were correct, and that I refused to accept the second pass when handed over to me. If the second receipt had been previouly prepared, it would have been entered in the Clerk's and Shroff's chittahs, and the said pass for it would have been given to me. Besides 4 bandies have been entered in the second pass which has no existence among the carts which purchased Salt yesterday. Under these circumstances, I state, that the Superintendent, &c., have defrauded Government of its property. Although I cannot interfere with this case without a Warrant, still I did so, because I had no time to obtain a Warrant, and the property was about being fraudulently made away with. I wrested the property, accounts, &c., from the Salt servants. If the Salt bandies which purchased Salt on the 28th June, and which I have interrupted, and detained here, be searched and examined, I am sure that an excess of 50 maunds of Salt would be discovered. On examination of the money yesterday by you, there has been an excess of Rupees 84 and odd over Rupees 973-11-0, which is the actual value of 577 maunds referred to both in the chittah and the receipt. I see no reason to afford any further explanation on the subject. I pray, Warrant might be issued to the accused, lest they would fabricate false evidence in the matter.

(Signed) VEERABUTHRA IYEN,
Deputy Constable.

This deposition was taken before me on oath in Tamil language which the witness understands and admitted by him to be correct when read over to him.

(Signed) TEROOVENGADA MOODELLY,
2nd Class Sub-Magistrate.

(True translation.)

I

WARRANT.

To

Captian W. O. SWANSTON,
Superintendent of Police in the District of South Arcot.

Whereas Bashika Charry, Superintendent of Salt at Merkanam and Vassoodava Pillay, Shroff of Merkanam stand charged with the offence specified in Section 409 of the Indian Penal Code. You are hereby directed to apprehend the said Bashika Charry and Vassoodava Pillay, and to produce them before me. Herein fail not.

(Signed) T. E. THOMAS,
Deputy Magistrate.

MERKANUM,
5th July 1866.

(True Copy.)

J

No. 637.

OFFICIAL MEMO.

In reference to the enquiry now going on by Mr. Thomas, Deputy Collector, in regard to certain information against the Salt Superintendent at Merkanam, Mr. Thomas is directed to submit his Proceedings for the Collector's consideration and orders, and he will be good enough to take no steps on the Magisterial side against the Superintendent without consulting the Collector, and so soon as the investigation is completed, Mr. Thomas will be pleased to return to Cuddalore.

2. Should strong suspicion of malversation against the Superintendent appear on the face of the enquiry as it proceeds, the Deputy Collector should recommend the Superintendent's suspension as well as that of any other of the Salt servants, and whose place the Collector will endeavour to supply.

3. The Collector had hoped ere this to have received some report of his Proceedings from Mr. Thomas, but it is presumed that so far as the enquiry has gone, the facts have not sufficiently developed themselves so as to afford the basis for any opinion as to the merits of the accusations which have been brought against Bashika Charloo and others.

(Signed) CHARLES. W. READE,
Collector.

COLLECTOR'S OFFICE,
CUDDALORE.
4th July 1866.

To

T. E. THOMAS, Esq.,
Deputy Collector, Merkanam.

(True Copy).

Taken before me on oath, read over to the witness and admitted to be correct; neither of the defendants have any more questions to put to this witness.

3rd July 1866.

(Signed) T. E. THOMAS,
Deputy Magistrate.

(True Copy).

3rd Witness No. 679, Syed Hoossain *sworn states.*

On the morning of the 28th June, the Deputy Constable told me to look out during the Salt sales and catch the Salt people, who were up to some trickery, I went accordingly to the Oomerungadoo platform. The Shroff and Superintendent then came and received the money for Salt from the 48 carters who had come. The Deputy Constable told Casava Row and Perumal Naick to keep an account of the Salt as it was being sold to the carters. They did so keeping the amount each carter bought. The sales for the 28th were finished, the Shroff then told the Peon Kundojee to bring the money and went off, spoke to the Superintendent, came back, gave us a pass. The Deputy Constable compared the pass with the account we kept; there was a difference of 50 maunds. 50 maunds being less in the pass than in our account. The Deputy Constable then told me to accompany the Shroff and money while he went to the Superintendent to ask him about it. I do not know what they said. Peroomal Naick came after me and told the Shroff and myself to return with the money; we came, viz. Shroff, Kundojee Peon and I. The Superintendent asked the Shroff how there was a deficiency of 50 maunds as stated to be by the Deputy Constable. The Shroff said, there would be no difference; the Superintendent also said so. The Deputy Constable insisted on counting the money and comparing with the chittah book. The Superintendent allowed him to do so on the bandy. The Deputy Constable wanted it counted on the road. It was however done in the bandy. The Shroff put a small bundle by the side of the Superintendent before they began to count the money—the Superintendent put this bundle into the bag with the small coins. They then counted the money; 1st, the whole Rupees which came to Rupees 849, and they added one to these from the small bundle making 850 Rupees; 2ndly, they counted the small coins in silence. I don't know the amount; 3rdly, the money in the small bundle, how much was in this I know not as they counted secretly. The Shroff gave 2 blank chits to the Superintendent from the chittah books. The Superintendent wrote something on the pass. I do not know what it was. The Deputy prevented the Superintendent then writing in the chittah book by taking away the ink. The Superintendent asked the Deputy Constable to return to him the pass he had given and promised to supply him with another in its place. The Deputy Constable said, the Constable Perumal had taken away the pass, so he could not do it. The Superintendent then said, it was the Shroff's mistake, and entreated the Deputy Constable not to take notice of it as the Shroff and he would suffer by it. The Deputy Constable would not hear of it. The Superintendent, Shroff, I, Deputy Constable Casava Row and Kundojee all started for Merkanum village. The Superintendent got out of his bandy at his house and told the Massaljee to take the money to the Station. The Superintendent went into his house with the chittah. I told the Deputy Constable of it. He went after the Superintendent and got the chittahs from him, and the money and chittahs were taken by the Deputy Constable, Kasava Row, I, and the Massaljee to the Station. The Deputy Constable sent Perumal Naik to Kundadoo to call the Sub-Magistrate. I told the Deputy Constable that the Sub-Magistrate was in his cutcherry. So he went and told him the matter and returned along with him to the Station. It was about 6 P. M. then. He then had the Superintendent and Shroff with chittahs, &c., and examined the money. The Sub-Magistrate said, that there was a difference between the accounts and the pass. He then received some pass or something of the kind from the Superintendent, and said he would finish the matter the next day. He locked the things up for the night. The Superintendent only entreated the Deputy Constable to protect the Shroff and not get him into trouble. I came along with them the whole way and I heard also all they said. The Shroff promised each of us, viz., the Deputy Constable, I, Kasava Row, Rupees 20 to keep quiet on the matter. The Superintendent was talking to the Deputy Constable. I never heard him promise to give him anything. I do not know how much Salt was sold on the 28th, nor what was the value of the Salt sold on that day. I could not stop the Superintendent from writing the 2nd pass, he was in the bandy. I saw the Superintendent produce 2 papers to the Sub-Magistrate, one a pass and the other a receipt. I know not who wrote them.

Taken before me on oath, read over and admitted to be quite correct; neither of the defendants have any questions to ask this witness.

3rd July 1866.

(Signed) T. E. THOMAS,
Deputy Magistrate.

(True Copy.)

4th Witness No. 1,022 *Mahomed Jaffer sworn states.*

I am a Police Constable attached to the Merkanum pans. On the 28 of June last I was at the platform No. 4. The Deputy Constable Veeraputhria came there and told me to attend during the sales of Salt on that day. The Deputy Constable said, that as some difference had been found in the accounts of the Salt Sales on the 26th and 27th, therefore he wanted to see if he could not find out the tricks on the 28th. I and Cassava Row, Syed Hoossain, Perumal Naick, and the Deputy Constable came to the place of sale No. 7 platform on Oomerankadoo. The Shroff and Superintendent came to conduct the sales. The Deputy Constable told

Casava Row and Peroomal Naick to stand near the carts and keep an account of how much Salt each carter purchased and how many bandies there were. They accordingly kept an account so till the sales were finished. After which the Shroff tied up the money realized by the sales, went and spoke to the Superintendent who gave him a pass. The Shroff gave it to the Deputy Constable and told Kundojee and some other man to take up the money and follow him. They started for Merkanum. After they had gone a little way, the Deputy Constable told Syed Hoossain and Peroomal Naick to accompany them, while he went and told the Superintendent how there was a difference in the pass, and in the accounts he had kept. By the account we kept there were 627 maunds sold and by the pass only 577 maunds making a deficiency of 50 maunds. The Deputy Constable then said to the Superintendent he wanted to examine the chittahs and money. The Superintendent said, all right and the Shroff was sent for and came with the money which was put down. The Superintendent asked the Shroff how there was a difference as made out by the Deputy Constable. The Shroff said it could not be so. The Deputy Constable wished to examine the money, the Shroff came near the Superintendent who was in bandy, took out a small bundle from, under his left arm and put it by the side of the Superintendent. The Superintendent wanted to count the mony on a cumbly in the bandy to which the Deputy Constable objected and insisted on its being in the road, but the Superintendent had it done in the bandy notwithstanding. The Superintendent put the small bundle into the small coin bag. The whole Rupees in the bag amounted to Rupees 849, so the Superintendent took one Rupee from the small bundle, added it to the Rupees 849 and made Rupees 850, which were tied up in one bag. They next counted the small coin bag in a secret manner. So I know not what was the amount. In the same manner they counted the momey in the small bundle, so I do not know how much there was in it. The Deputy Constable then desired to see the chittah in which only 577 maunds of Salt were entered as in the pass. The Superintendent then asked the Deputy Constable to return him the 1st pass he had given him and promised he would write him out another. So on a blank form of pass he wrote the name of one Kadir Saib and 50 maunds of Salt. He then took out the receipt and scratched with his pen, as it was wrong. The Superintendent then said it was a mistake of the Shroff and asked the Deputy Constable to forgive it. The Deputy Constable would not hear of it. The Superintendent, the Shroff, Deputy Constable, Syed Hossain, Cassava Row, and Kandojee all started for the village of Merkanum. I stayed at the place and the Deputy Constable gave me orders to bring all the bandies to the station. I did accordingly. This is all I know. The Shroff also entreated the Deputy Constable to forgive and take no notice of the mistake, but it was all to no purpose. There were no Revenue Peons near by when the Shroff put the bundle by the Superintendent.

Taken before me on oath; read over to the witness, and admitted by him to be quite correct; neither of the defendant's have any questions to ask this witness.

4th July 1866.

(Signed) T. E. THOMAS,
Deputy Collector and Magistrate.

(True Copy.)

5th Witness, No. 433, Perumal Naik *sworn states.*

I am a Police Constable attached to the Meratanum pans. On the 28th of June, the Deputy Constable with some 4 others came to me and told me to attend during the sales at No. 7 platform in Oomerankadoo, saying that as something had been discovered wrong during the sales of the 27th, he wanted me to try and find out what might happen on that day. The Deputy Constable told me and Kasavarow to keep an account of the names of the carters, how much each one purchased. We accordingly kept an account till the day's sales were ended. The number of bandies amounted to 48, and the Salt they received was 627 maunds according to our account. The Shroff gave the Deputy Constable a pass, he at once compared it with our account and found it contained 50 maunds less. The Deputy Constable told Syed Hossain to go with the Shroff, who was going off with the money carried by a Peon Kundojee. The Deputy Constable went to the Superintendent and told him how there was a difference of 50 maunds in his account, and the pass. He then said he would like to examine the chittah and money. The Superintendent said there could be no difference. As the Deputy Constable insisted in a difference, the Superintendent had the Shroff called, and looked at the chittah; there was a difference between the pass, and chittah. The Superintendent said it was only by a mistake, and wrote a new pass, and asked the Deputy Constable to return him the first pass he had given. The Deputy Constable said Kasavarow had it. Kasavarow on being asked said that I had it, and I told the Superintendent I have given it to Rungasawmy. The Superintendent said by that the Shroff would lose his place, and asked for the pass. The Deputy Constable then wished to examine the money, the Superintendent had the cumbly spread on the bandy for the purpose, but the Deputy Constable objected, and wished it to be done in the road, but it was to no purpose, and so the money was counted in the bandy. The Shroff took a small bundle, and put it by the Superintendent. The whole Rupees amounted to Rupees 849, and so the Superintendent took one out of the small bundle added it with others and made Rupees 850. They then counted secretly the money in the small coin bag. I do not know the amount—they counted secretly. The Deputy Constable then sent me to report the matter in the Station, and to the Sub-Magistrate. I reported it in the Station, and then went to Kundadoo to tell the Sub-Magistrate who came to Merkanum; I then went and told the Deputy Constable that he had come; the Deputy Constable was by this time at the Station. I was near the pans when the Deputy Constable sent me to tell the affair to the Sub-Magistrate. The Deputy Constable then told me to look after the Salt carts while he proceeded to tell the Sub-Magistrate what had happened. I went and fetched the carts. What happened after this I do not know. The Vettiyans and measurers were near the heaps on the platforms when the Shroff put the bundle by the Superintendent. The Revenue Peon Kundojee was about the distance of one pole (24 feet) from the bandy at the time.

Taken before me on oath; read over and admitted to be correct.

The defendants have no questions to ask this witness.

4th July 1866.

(Signed) T. E. THOMAS,
Deputy Magistrate.

(True Copy.)

6th Witness Salt Peon Kundojee sworn states.

On the 28th of June last, the Superintendent and Shroff were conducting the sales of Salt at Oomerakadoo. I was near the Superintendent. The Shroff called me to take a pass to the Superintendent to have his signature written on it. I did so, and returned the pass to the Shroff. The Shroff then told me to call some person to carry home the money that had been collected. I called some pariah, whose name I know not, who took one bag and I the other. The Shroff went to give a pass to the Deputy Constable who refused to receive it. So the Shroff and Deputy Constable, Casava Row, Syed Hoossain, and Mahomed Jaffer all went to the Superintendent. I and the pariah took up the money, the Deputy Constable then came and pulled out the chittahs set from under my arm and took me with the money to the Superintendent. They counted the money. The Superintendent asked the Deputy Constable why he did not receive the pass as the amount just reckoned corresponded with the amount in the pass. I do not remember what the whole amounted to. There were however Rupees 83 new coins in the bag containing the smaller coins such as ½, ¼ and ⅛th Rupee pieces. These 83 new Rupees were tied up in a small cloth and put into the small coin bag. The new Rupees were put into this bag on the platform. After the money had been counted, the Deputy Constable gave the money to Cassavarow, who held it on the Superintendent's bandy to the village of Merkanum. Syed Hossain brought the chittahs in his hands. I came along with the Superintendent's bandy to his house. I and Ramasawmy a vetty, Nooroo a vetty, Kanagasaby a vetty, and Soobben a vetty. The Shroff, the Superintendent, and the Deputy Constable, Casava Row, Syed Hossain, Mahomed Jaffer all came together from the pans to the village. There was no conversation on the way. Neither the Superintendent or Shroff said any thing to the Deputy Constable or other Constables about a mistake having been made, nor did they request him to forgive them for it. At the Superintendent's house the bandy stopped, and on the Superintendent getting down, the Deputy Constable then pulled the Superintendent's upper cloth to search him. Syed Hossain and Casava Row asked the Superintendent to show the other cloth round his waist. He undid it and showed it to them, after which the Superintendent went in. The Police took the money and chittahs to the station. The Police Constable met the Massalchee Moonien and made him carry one of the bags. In the evening about 6 P. M., the Sub-Magistrate came and examined the money and locked it up for the night. Neither the Superintendent or Shroff offered any bribe to the Police to keep the matter dark. The Sub-Magistrate came from his village Kundadoo to his cutcherry, and from there to the station. The Shroff took the pass which the Deputy Constable had refused to take and gave it to the Superintendent. After that I know not what became of it. I saw two chits or Shroff's receipts with seals on them in the hands of the Sub-Magistrate. The stamped seal on both of these was a long one. I never saw any chits with the Sub-Magistrate having a round seal on them. The 4 vetties abovementioned and the Police came as far as the Superintendent's house. I did not see the Massalchee at the Superintendent's house when the bandy stopped. I met him 4 or 5 poles from the Superintendent's house.

Taken before me on oath, read over and admitted to be quite correct. The defendants have no questions to ask this witness.

(Signed) T. E. THOMAS,
Deputy Magistrate.

(True Copy).

7th Witness THIRUVENGADUM MOODELY, *Sub-Magistrate of Merkanum sworn states.*

On the evening of the 28th June about 6 o'clock I was near my Cutcherry in Merkanum, when the Deputy Constable Veerabuthra Iyen came up to me and said that he and some of the Constables had together from the time the sales for Salt began to 48 bandies did keep an account of the carters' names and the quantity each one purchased, and how many carts were there. At 4 in the afternoon the said sales were conducted—that the Shroff tied up all the money, then came to give him a pass, and that he suspected the Shroff of having put some of the money into a small bundle. That the Shroff then took the money by a Peon Kundojee accross the fields towards the village of Merkanum, and that the Superintendent went along the road. That according to the account he had kept, 627 maunds of Salt had been sold, and that by the pass only 577 maunds contained in 48 carts had been sold. That having suspicions from this fact, he sent 3 Constables to call the Shroff, that he then went to the Superintendent and said, as he was suspicious from the difference in the pass to his account, he wanted to count the money—that the Superintendent told him there would be no difference. That while he was saying so, the Shroff and the Peon with money came up and put the money bag in the bandy of the Superintendent; and the Shroff put a bundle of small cloth from under his arm near the side of the Superintendent, that the Superintendent put this little bundle into the bag containing the small coins to which he objected; but to no purpose, as the Superintendent said there was no harm by putting it in. That they counted the money in the bandy and counted loudly the money contained in the two bags, containing the whole Rupees and the small coins and then secretly counted over the money in the bundle and put it up again in the bag and said, all the money was correct, and he had no business to object. That he asked the Superintendent to show the chittahs, that the Superintendent then took out of the dufter by his side the Clerk's chittah, a Shroff's chittah, a receipt, and that in both the chittahs 577 maunds and some money about Rupees 972 or Rupees 974, I now forget, was entered, and that in the chittahs 48 bandies were put down. He told the Superintendent he would not allow to pass the money and chittahs, to which the Superintendent asked him what good there was in his injuring a family man, and further asked the Shroff how there was the mistake. The Shroff said it was a hand mistake, that the Superintendent promised him Rupees 500 if he would only protect him, and that the Shroff fell at his feet and implored him to protect him, and also fell at the feet of other Constables and entreated them to protect him. That none of them agreed or would listen to it. That as they came to the Superintendent's house, the Superintendent took up his cloth and went into his house, at which time one of the Constables who was standing near said to him, the Superintendent has taken the accounts in and the money is in his bandy, that immediately he went into the Superintendent's house and asked the Superintendent for the accounts, which he gave accordingly to him and told a Massalchee to take the accounts and

the money from the bandy to the station, and came back. That the Massalchee accordingly took the money and accounts to the station. The Deputy Constable also told me that after the money had been counted near the pans, the Superintendent took out a blank pass and offered to write him a new pass, instead of the one he had already and would enter all the names in it. After having heard all this from the Deputy Constable, I told the Deputy Constable that if he would bring me a crime report on the matter, I would give him a final order. He then immediately gave me a crime report which said "that whilst the Superintendent of Salt, &c., had taken with intent to embezzle Government money, and that he had taken into custody the carts with the Salt and the money and was waiting for the Magistrate's order on the matter." I then went to the station. The Superintendent was in the Salt Cutcherry there at the time. I went and asked him what this affair was. He then told me the Deputy Constable had wrongfully stayed his bandy and sent Constables to bring the Shroff with the money and insisted on a search and examination owing to a difference in the accounts. That the Deputy Constable had refused to receive the 2nd psss offered at the pans by the Shroff. That he had disgraced him, and therefore the Superintendent thought it was best to submit to the examination of the money, as otherwise the money might be robbed. The Superintendent then showed me the 2nd pass and receipt in which pass 50 maunds of Salt and 4 bandies in the name of one Kadirsaib were entered. That the 50 maunds in the 2nd pass, and the 577 maunds in the 1st pass made the total amount of 627 as was also entered in the Deputy Constable's account. In the 1st pass I saw there were 48 bandies, and in the 2nd pass only 4 bandies making a total of 52 carts. I therefore asked where were the 4 remaining carts and men. The Superintendent then said, this was the Shroff's mistake. The only important thing to be seen is that the maunds and the money are all right, for that only he was responsible, and not for ought else. Afterwards the Deputy Constable looked at the 2nd pass and called my attention to the hurried manner in which it was written, and the difference between the ink in this and the first pass.

The writing was alike in both passes, but the ink was a little darker in one than the other. At 12 P. M. that day (28th June) I had the Superintendent and Shroff present, counted the money and sealed it up, and remanded the same in the station till next day. The money counted that night amounted to about Rupees 1058-6-0.

In the bundle there were Rupees 83 or 84 whole Rupees and 6 Annas. They were not all new Rupees, some were old, some new—and others very dirty. What came out of the bundle were again tied up in it.

On the 29th I took a deposition from the Deputy Constable respecting the facts of the case. This with the Shroffs's chittah, Clerk's chittah receipts, &c., I have sent up to the Head Assistant Collector and reported the same to the Collector in which report I by mistake sad the documents connected with the case had gone to him. On the 1st Instant I returned the money and the rest of the chittah books to the Superintendent according to the Collector's orders.

I enquired of the 48 carters how much each one purchased, and wrote down on a paper as they told me the number of maunds and the amount of money each one had paid down.

I found from this that the 48 carts contained a total of 627 maunds, and had paid Rupees 1,058-1-0. I examined the bandy of the carter Kader Saib and some of the others. I weighed the Salt in these carts over again.

Kader Saib had 6 bandies. I examined 4 of them as entered in his name in the 2nd pass with 50 maunds, and I found by reweighing the quantity in these 4 carts that there were 52 maunds and not 50 as stated in the pass. I asked the Superintendent on this point. He told me that the foreign District bandymen were in the habit of receiving some of the Salt sold to the home District bandymen (with the consent of the latter) along with their own, and that they afterwards divided it amongst themselves—hence one bandyman might have more in his cart than he had paid for. Kader Saib said he did not know how only 4 carts were entered in the pass, when he put down money for 6 carts and how only 50 maunds were entered when he put down money for 52 maunds.

Taken before me on oath, read over and admitted to be quite correct by this witness.

Defendants have no questions to put to this witness.

4th July 1866.

(Signed) T. E. THOMAS,
Deputy Magistrate.

(True Copy).

THIRUVENGADUM MOODELY *Sub-Magistrate sworn states.*

This document A is what the Deputy Constable showed me, and brought to my notice the No. of maunds 577 in it. He then showed me this document E and pointed out how it represented 627 maunds. The document A, is the pass and E, the private accounts kept by the Police. The Superintendent told me that this document C was written at the same time as A and, having given them to the Shroff he went to give them to the Deputy Constable, who only received A, and refused to receive C. The Superintendent produced A. C. and D in my presence on the 28th and it was then the Deputy Constable drew my attention to the difference between the ink in A. and D.

This document F is the memo I made when I had each bandyman up and ascertained from him how much Salt in maunds each bandy took, also the price paid. The document G is my report on this case to the Head Assistant Magistrate. This document H. is the deposition I took on oath from the Deputy Constable. This account book K, is the one the Superintendent said he had not put his signature to, because he generally did that after he had returned to the Cutcherry. This account book L. is the same as the one K, and is kept by the Shroff. This paper M. is the crime report the Deputy Constable gave me.

Taken before me on oath, read over and admitted to be quite correct by witness.

6th July 1866.

(Signed) T. E. THOMAS,
Deputy Magistrate.

(True Copy).

8th *Witness* MOONIEN MASSALCHEE *sworn states.*

I was at the Salt Cutcherry on the 28th of June when the Superintendent returned to his house from the sales. I never went to the Superintendent's house after he returned. When I was leaving the Cutcherry to go home, the Deputy Constable and Syed Hossain alone met me near the ruined house of the old Salt Superintendent. They were carrying the money and chittahs. The Deputy Constable then told me to carry the money to the station. I did so. No other person was with the Deputy Constable and Syed Hossian when I met them. I never saw Kundogee Peon when I carried the money.

Taken before me on oath; read over and admitted to be correct. Defendants have no questions to ask this man.

5th July 1860.

(Signed) T. E. THOMAS,
Deputy Magistrate.

(True Copy).

Summons under Section 186.

To

Kader Saib, son of Shaik Esoomayel Saib, residing at Pootore hamlet of Kattookottay subject to the taluk of Auttore in the District of Salem.

Whereas Salt Superintendent &c. of Merkanum attached to the Tindivanam taluk in the District of South Arcot stand charged with the offence specified in Section 409 of the Indian Penal Code. You are hereby directed to appear before this Court at 10 A. M. on the 30th July to give evidence respecting the said charge. You shall not leave the Court after your appearance without their orders. In default of your appearance on the said date, or refused to do so save on proper grounds, a Warrant shall be issued for your apprehension for the purpose of being dealt with under the provisions of the Law for your default.

Camp Merakanum,
Dated 9th July 1866.

(Signed) T. E. THOMAS,
Deputy Magistrate.

(True translation).

(Signed) D. ARBUTHNOT,
Magistrate of Salem.

N.

No. 313 *Official Memo.*

The accompanying papers form the proceedings of an enquiry held before the Deputy Collector Mr. Thomas into certain charges brought by the Police against the Salt Superintendent and the Salt Shroff of the Merkanum Depot and the Collector requests that Mr. Hughesdon, the Acting Head Assistant will be good enough to set aside other work for the purpose of trying the accused on the said charges at an early date.

2. Many reasons have suggested the propriety of the trial of this case being conducted by the Head Assistant within whose range the alleged offence occurred. For some time the Collector was in doubt whether the charges might not be properly triable under the provisions of Regulation IX of 1822, but a consideration of the nature of the offence charged against the Salt servants and of the facts elicited in the original enquiry made by Mr. Thomas, it was deemed advisable to subject the parties to trial on the Criminal side.

3. The Collector might have tried the case himself or have submitted it for trial before Mr. Wright the Deputy Magistrate with full powers, but there were objections to either course. It was the Collector who appointed the Salt Superintendent to his present post and "Bashica Charloo" was selected much against his own will, because of the great confidence which the Collector reposed in his integrity and uprightness founded on past experience, and thus the Collector has thought it the most judicious arrangement that the case should be tried before an Officer to whom all the parties concerned are unknown, and before whose Court, therefore the accused, will have a fair and impartial trial.

4. The accused parties are on bail as will be seen by the correspondence, copies of which are enclosed for Mr. Hughesdon's information, and it will of course be understood by Mr. Hughesdon that all the Proceedings held before Mr. Thomas have been quashed, and are thus null and void.

5. The Police who prosecute the accused, and all others concerned have been warned to attend before Mr. Hughesdon on Friday morning next the 20th instant, on which date it is requested that the Acting Head Assistant Magistrate will be good enough to arrange to commence the trial.

CUDDALORE,
16th July 1866.

(Signed) CHARLES W. READE,
Collector.

(True Copy).

O

Proceedings of the Head Assistant Magistrate, 20th July 1866,

1st Witness for Prosecution.

VEERA BUDRYAN, *Deputy Constable, No.* 278, *H, sworn.*—On 26th and 27th ultimo Salt was being sold and ses were being given for Salt sold; the custom is for the bandymen to go to the Salt Shroff and pay him a tain amount of money: the Salt Shroff then gives a receipt to the Salt Superintendent who orders Salt to be

weighed out according to the receipt; thereupon a pass is given for the Salt weighed out to each bandyman; the Shroff makes out this pass; the Salt Superintendent signs it; on the 26th and 27th the Salt Superintendent gave the pass into my hands; on the 28th the Shroff gave the pass into my hands; on 26th and 27th I kept a note of amount of Salt sold; on the 26th I found a difference of 55 maunds; on 27th a difference of 41 maunds; I mean a difference between the pass given by the Salt Officers and the note kept by me; I sent written reports of what had happened on 26th and 27th to the Inspector at Cuddalore; that on the 26th instant by Constable No. 762, Sheik Mohideen; that on 27th by No. 1198, Munisamy; the Inspector not being at Cuddalore these reports were brought back to me; the Inspector was at Tindevanum on 29th, and I then gave him the reports; on 28th at 1 P. M., Salt Superintendent and the Shroff came to the Salt pans to sell the Salt; there is a moveable hut near the Salt heap where the Salt is sold; the Shroff came and sat there; bandymen came and were paying money to the Shroff; while the money was being paid the Salt Superintendent came in a bandy; the bandy was a common country one in which Salt is taken; the bullocks were taken out of the bandy, and the yoke of the bandy was placed upon the plat-form, the Superintendent still sitting in it; Superintendent told the weighers to prepare the scales; the Shroff gave the Superintendent a piece of common country paper in which were written the names of bandymen, amount of money, and quantity of Salt; with reference to this piece of paper, the Superintendent ordered Salt to be weighed out to the bandymen; I called No. 1001, No. 433, two Constables and told them that as irregularities were being committed daily, they were to stand near the bandies on which the Salt was being placed and I would stand near the place where Salt was sold, and find out the irregularity; No. 1001 took notes on paper with a pencil, and the other Constable on a Cadjan with an iron pen. Salt Superintendent called out one Muruguppa Nainan of Achur; the weighers called out the same name; Muruguppah Nainan came; Salt Superintendent asked him what quantity he should receive: he said in 3 bandies, 35 or 36 maunds; the exact quantity I don't remember; Salt Superintendent ordered the weigher named Peruman to weigh out 35 or 36 maunds; while the weighing was going on, I went to the two Constables and informed them of this quantity; as the Salt Superintendent called out each name on the paper that he had, and the quantity of Salt for each, I went to the two Constables and gave them the same particulars; the sale closed at 4 P. M.; during the sale no chittah was writen, and no receipt; the sale was conducted according to the paper that Superintendent had; after the sale was closed the Shroff took back the paper from the Superintendent's hands; and then wth reference to the paper prepared the Clerk's* chittah, the Shroff's Chittah, a rceipt and a pass; then he handed over these 4 papers to Peruman, the weigher, directing him to take them to Salt Superintendent for signature; accordingly these were taken to and signed by Superintendent; the Shroff called one Cundoji, a salt peon, to take the two bags, one containing full Rupees, the other small coins; the Shroff then went away, the peon with the money preceding him; the Shroff passed near the Salt Superintendent's bandy in which the Superintendent was still sitting, and some words passed between them: what they said I don't know; the pass was given by the Superintendent to the Shroff, and by the Shroff to me; the Shroff tied up togehter the Shroff's Chittah, the Clerk's Chittah, the receipt and blank forms of receipts; the Shroff kept these under his arm-pit and followed Cundoji; I told No 679, constable Syed Hussain Sahib to follow the Shroff; Salt Superintendent thereupon started in his bandy, and I called the two Constables who had been taking notes* and I examined the notes: 627 maunds were the total of the notes; in the pass the total was 577 maunds. I ordered Constable No. 433 (say 433) to follow the Shroff, and I went to Salt Superintendent with the pass that had been given to me and the note; when I reached the Superintendent he had gone 40 or 50 yards distance; I informed the Superintendent of the difference of 50 maunds, and told him that I must have the bandies searched, and the money that the Shroff had taken; he said that there was no difference and that no such steps were needed; I insisted on the search taking place; I called out to the two Constables who were following the Shroff to bring him; the Superintendent thereupon asked the Shroff what difference there was, as the police said there was a difference of 50 maunds; the Shroff said there was no difference; I insisted; Superintendent ordered Cundoji to place the money bags on the bandy; so he placed them; the Shroff went behind the bandy and placed a bundle tied in white cloth, which he kept under his arm-pit on the bandy, near the left thigh of Superintendent; the Superintendent attempted to place the bundle in the bag containing small coins; I prevented him; he placed the bundle in the bag at last. I desired him to count the money; he objected, saying that, I ought only to count the bandies as contained in the pass and let them go; I insisted; at length the Superintendent told the Shroff to count the money; the Superintendent wanted to count the money on a cumbly in the bandy, but I insisted that it should be counted on the ground; however they counted in the bandy; the full Rupees contained in one bag; it contained 849 Rupees; the bundle was then untied and a Rupee taken out and placed in the bag containing whole Rupees; they tied up the bag and counted contents of bag containing small coins; but they did not now count aloud; they returned the small coins to the bag and counted the money in the bundle; they did not count aloud, so I don't know the sum; I asked Superintendent to show Shroff's chittah and Clerk's chittah to compare with the note I had; the two chittahs accounted for only 577 maunds; only 577 maunds were inserted in the receipt which the Shroff showed me; so Superintendent asked Shroff, why he had committed such irregularity; Shroff said it was a mistake and begged of Superintendent to pardon him, falling at his feet. Salt Superintendent asked for the note kept by the Constables, so I gave it to him; he added up the quantity contained in the note; he observed the irregularity, and asking the Shroff why he had done this said "It will go hard with you, and get me into trouble;" Salt Superintendent told me to give him the pass that I had, saying, the irregularity had been committed; he at the same time took *two blank passes* from a cover that he had and said that he would give me a fresh one; I did not say *two blank passes*; I said *one pass and one receipt*; Superintendent ordered a Salt peon to bring an ink bottle; it was brought; the pen was put into the bottle and he wrote something on the pass in his hand; he asked me to give the pass I had; I refused, saying he was not to write anything; I threw the ink-bottle away; Superintendent said "what advantage will you gain by this? The Shroff will lose

* The documents marked K. L. B. A. are shown to the witness and stated by him to be Clerk's chittah, the Shroff's chittah, the receipt and the pass mentioned by him.

(Signed) J. C. HUGHESDON,
Ag. H. A. Magt.

* Document E is shown to witness and stated by him to be the notes referred to.

(Signed) J. C. HUGHESDON,
Ag. H. A. Magtt.

his appointment and I shall get into trouble;" and he again asked for the pass. On the pass* that the superintendent had in his hand one line was written and the superintendent's signature, whether the superintendent wrote the line I don't know; the name of "Khader Sahib" and 50 maunds were written in that line; for the number of bandies in the pass the figure 4 was written, having apparently been substituted for the figure 8; I sent Constable No. 433 to inform the Deputy Constable at the Station; the Salt bandies still remained at the place where the Salt was purchased; I told Constable No. 1022 to bring all the bandies to be searched at the Station; I told Constable No. 322, Rungasawmy to follow Murugappa Nainan's 3 bandies as far as the bridge, and stop them there; he followed and stopped them; the Constable then brought these bandies to where the others were; No. 1001 and No. 679, Constables, and myself proceeded with the Superintendent's bandy; the money was still in it; as we were going along, Superintendent said that the Shroff was a family man and that he would give me Rupees 500, out of the Government money that he had with him, and would afterwards replace it; I did not consent; the Shroff fell at my feet; Salt Superintendent also spoke fair words asking me to excuse this time; we went as far as Superintendent's house, when the bandy stopped and the Superintendent covering the bundle containing the Chittahs with a cloth, attempted to go into his house, but the 2 Constables said to me that I should not leave the chittahs, so I would not let the Superintendent take the chittahs, but said that Sub-Magistrate must examine them; Superintendent gave me the chittahs; Superintendent told the Masalchee Munnian and another peon whose name I don't know to take the money bags and the Chittahs to the Deputy Constable at the Station; they took the bags and the Chittahs; I and the other two Constables followed; they placed the bags and the chittahs before the Deputy Constable at the station; I left Constable No. 1001 at the Station and I went to the Sub-Magistrate at Mundappum and told him what had passed and asked him to enquire; he said he would if a written report were given briefly; I returned to the Station, prepared a report and gave it to Sub-Magistrate; he therefore came to the Station and sent for the Shroff and Salt Superintendent; Sub-Magistrate and Salt Superintendent then went behind the Station and spoke together for about an Indian hour; they then with the Shroff went into the Station and I stated to the Sub-Magistrate all the circumstances that I have related in this deposition; the Sub-Magistrate held an enquiry; the Superintendent said that he had another pass;* he produced it from his box; the money in the bags and in the bundle was counted in the presence of the Sub-Magistrate and of myself; in one bag there were 850 Rupees; what was in the other bags I don't know, but the total in both bags was Rupees 973-11-0; this was exclusive of the money in bundle; the money in the bundle was also counted; it amounted to 83 Rupees; when the one Rupee was taken from the bundle in the bandy and placed in the bag containing whole Rupees six annas were also taken from the bundle and placed in the bag containing small coins; these six annas consisted of 3 two anna pieces; I did not mention the six annas before, because now is the proper time to tell of it; I was present when Kader Saib's bandies of Salt were weighed by Sub-Magistrate; he had 4 bandies of his own and two belonging to some one else; in his own four bandies were 52 maunds of Salt; in the other two bandies were 26 maunds of Salt; the Sub-Magistrate made a memorandum of this; 83 Rupees is the exact price of 50 maunds of Salt; I should say that 83 Rupees together with one Rupee and six annas is the exact price of 50 maunds of Salt; I did say in my previous statement that the clerk's chittah, the Shroff's chittah, the receipt and pass, were taken to the Salt Superintendent for his signature and that they were signed; I now say that all of these documents were taken, but what were signed by Superintendent and what were not signed I cannot state.

* Document C. is shown to witness and stated by him to be the pass referred to.

(Signed) J. C. HUGHESDON,
Ag. Hd. A. Magtt.

* Four or five papers are put into witness' hands and he is requested to point out the pass he mentions; he points out document D; but as this is a receipt, witness is requested to look again when he points out document C.

(Signed) J. C. HUGHESDON,
Ag. Hd. A. Magtt.

Read over to witness in Tamil a language understood by him and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

2nd Witness for Prosecution.

Casava Row, Constable No. 1001 H sworn; on 26th of last month Salt sold exceeded by 55 maunds amount entered in the pass; on 27th there was an excess of 41 maunds; on 28th there was an excess of 50 maunds; on 28th I and Constable No. 433 kept an account of Salt sold; the other Constable wrote the account on cadjan with an iron pen; I wrote it on paper with a pencil; the document marked E is the account I spoke of; the Shroff takes the money and writes the receipt for each bandyman, and at the same time calls out each bandyman's name; I heard the Shroff call out each man's name; the Shroff also told the weigher to weigh out so many maunds for each bandyman; in this way I heard the number of maunds; I did not learn the names of the bandy men or the quantity of Salt they took, except in the way I mention; the Deputy Constable also was standing near the place where the Salt was sold; he called out the names and number of maunds, coming near us; I also heard these particulars called out, as I said before; after finishing my account, I went to the platform; there the Shroff tied up the bags, and told the peon Condoji to take them; I remained on the platform about two Indian hours; while I was waiting on the platform the Shroff went to the Superintendent who was in his bandy, and the Shroff gave a pass which he had in his hands to the Deputy Constable; the Shroff and Condoji went away, taking with them the bags of money, and a chittah, and a seal; Superintendent went in his bandy about 30 yards distance; I, Deputy Constable, and No. 433 Constable, compared our accounts with the pass; two other Constables No. 679 Syed Hussain and No. 1022 Mahomed Jaffir were also present; on comparing the pass with our accounts there was a difference of 50 maunds; in the pass was entered 577 maunds; and in our account 627 maunds. Deputy Constable sent Constable Syed Hussain 679, with the Shroff; I and Deputy Constable and two other Constables, No. 433 and 1,022 went to Superintendent's bandy; the Deputy informed the Superintendent that there was a difference of 50 maunds; the Superintendent also compared the pass with our account and also observed the difference; thereupon Constable No. 433 called the Shroff; the Shroff came; when Salt Superintendent observed that there was a difference of 50 maunds; the Shroff said that there was no difference; when they were speaking in this way Condoji Row brought the money bags and placed them on the bandy; a bundle which Shroff had under his left arm pit, he placed under the left thigh of Superintendent in bandy; the Superintendent tied up this bundle in a bag containing the small coins; the Deputy objected; the Superintendent said it was Government money and what harm was there in tying it in the bag; Deputy said he had suspicion and therefore the money must be counted; on the order of the Shroff peon Condoji brought a cumbly from the platform and Superintendent told him to put the cumbly on the bandy; Deputy objected and said it should be put on the road; the Superintendent said it was to be put on the bandy; cumbly was accordingly put on the bandy; and the contents of the bag containing entire Rupees were emptied and placed on the cumbly; they then untied the bag containing small coins and placed the bundle near it and then counted the entire Rupees; they counted out 176 heaps of 5 Rupees each, one heap being one Rupee short; the total therefore was 849 Rupees; they then took one Rupee out of the bundle and placed it in the bag containing whole Rupees; the entire Rupees were then replaced in the bag; the small coins were then counted and they replaced them in the bag; their amount I don't know; they then counted secretly the Rupees in the bundle; they replaced them in the bundle, tied them up, and placed them in the small coin bag; they also tied up the bag containing the entire Rupees; the Shroff and Superintendent then examined the chittahs and observed the same quantity of maunds entered in these as were entered in the pass; Superintendent asked the Shroff the cause of the irregularity; he said it was a clerical mistake; there was a cloth bag in which were passes and receipts; the Shroff took out a pass and a receipt—whether blank or not I don't know and gave them to the Superintendent; a cooly by Shroff's order brought an ink bottle from platform and placed it on Superintendent's bandy; Superintendent put his pen into the bottle; Deputy Constable seized the bottle and threw it away; Superintendent wrote something in the pass; Superintendent asked Deputy Constable to return to him the pass he had, and he said he would write another pass and give it to him; Deputy Constable refused. Superintendent asked Deputy Constable what he wanted to do; Deputy Constable said he should take the money to the Station; one Constable was sent to the Station to inform the Deputy Constable there; another was sent to stop the Salt bandies; the Superintendent's bandy started again; Deputy Constable and myself and No 679 accompanied it; the bandy stopped at Superintendent's house; when the bandy was going to Superintendent's house, Superintendent said in the road that he would give Rupees 300 and the Shroff would give Rupees 200 on the bandy reaching Superintendent's house; the Superintendent took the bundle* containing money and the bundle of the chittahs and wished to leave the bandy; Deputy Constable asked him to give the Chittahs; Superintendent gave the Chittahs to the Deputy Constable; Deputy Constable requested the Superintendent to spread the cloth bundle; he did so; there was nothing in it; the cloth bundle I speak of was a cloth the Superintendent carried as a handkerchief; when the Superintendent attempted to leave the bandy he was carrying a bunde of Chittahs and a cloth bundle; I never said that the cloth bundle contained money; by order of Deputy Constable a Masalchi took the money bags and the bundle of Chittahs to the Station; we remained at the Station; in the evening the Sub-Magistrate* came; the Deputy prepared a report and gave it to the Sub-Magistrate; the Sub-Magistrate examined the Chittahs and the money; the money was counted in the two bags, also the contents of the bundle; they counted the whole Rupees and the small coins separately; they noted them in a paper; they then counted the money in the bundle which was Rupees 83 (say Rupees 83); when the money was sarched on the road a Rupee was taken out of the bundle and put into the bag; Superintendent had a second receipt and a second pass; Superintendent said to Sub-Magistrate that he wanted to give the second pass but that Deputy Constable had refused to receive it. Deputy Constable said that it had not been offered nor had he refused to receive it; that evening no bandy loads of Salt were weighed, but 48 bandies were detained and were weighed 2 or 3 days later; during these 2 or 3 days the bandies were in the charge of myself and other Constables; all the owners of the bandies were also present; I inserted in document E the names of the purchasers of Salt in the order in which the sales were effected.

* Witness afterwards contradicts this statement and says that the bundle did not contain money, and the Court believe that the words containing money were inserted through a mistranslation.

* Read Sub-Magistrate.

Read over to witness in Tamil, a language understood by him, and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
21st July 1866. *Acting Head Assistant Magistrate.*

3 *Witness for Prosecution.*

Perumalu Constable H, 433 sworn.—I am on duty at the Marcanum Salt Pans; on 28th ultimo the Deputy Constable, Constable Syed Hussain No 679, Mahomed Jaffer No. 1022, Casava Row No. 1001, called me to come to the place where Salt is sold; Deputy Constable said that I was to come as certain irregularities had taken place; I went accordingly; there were bandies near the platform; the Deputy Constable and Casava Row caused me to sit near those bandies; Deputy Constable said he would call out the names of the bandymen and the number of bandies and the number of maunds and that we were to note them; the Salt Superintendent called out the names; thereupon Deputy Constable also called out; the number of bandies and of maunds were also called out by each party; the Salt Superintendent called out the names of the bandymen and the Deputy Constable came from time to time and called out these particulars; I heard no one else state them; the Deputy Constable was standing on the platform; we were standing at a distance of 4 yards from him; the Deputy Constable gave us the particulars secretly and slowly; the particulars given by the Deputy Constable I wrote on a cadjan with an iron pen; at the close of the day's sale I made a total of the particulars entered by me; the Shroff received the Salt Superintendent's signature to a pass which he handed to the Deputy Constable; the Deputy Constable compared the pass with the account kept by me on cadjan and kept on papers by Casava Row; he remarked the difference between the 627 maunds that appeared in our accounts and the 577 maunds that appeared in the pass; thereupon the Salt Superintendent went away in his bandy; the Shroff also went away; Peon Condoji Row accompanying him and carrying two bags of money; Syed Hussain by Deputy Constable's directions followed the

Shroff ; Deputy Constable went to Superintendent and saying that as there was a difference in the accounts the money and accounts must be examined ; Superintendent said there would be no difference ; Deputy Constable insisted upon the examination ; Superintendent said the Shroff was to be called ; Deputy told me to bring the Shroff ; the Shroff was then at a distance of about 320 yards ; I went a little way and called him ; the Shroff and Condoji Row and Constable Syed Hussain returned ; Condoji Row placed the two bags of money on the Superintendent's bandy ; Shroff had under his arm pit a bundle of money which he placed under the leg of the Superintendent ; Superintendent took the bundle of chittah accounts from the Shroff ; Superintendent observed the difference between these accounts and our accounts ; Superintendent said it was a clerical error of the Shroff ; at the request of the Deputy Constable the money was then examined ; the Shroff counted the contents aloud of one of the bags ; they amounted to Rupees 849 ; he then took one Rupee from the bundle and put into the bag ; the Deputy objected to this one Rupee being put into the bag ; Superintendent said it was of no consequence and put the Rupee into the bag ; the whole Rupees were counted in heaps of Rupees 5 each ; then they examined the other bag which contained small coins ; I do not know the total amount of those small coins ; they were counted slowly ; I mean so as not to be heard ; they then tied up the bundle in the bag containing small coins ; I don't know whether the contents of the bundle were counted ; Superintendent asked the Deputy Constable for the pass he had given him ; the Superintendent said he would correct the mistake in it ; the pass was not produced by any one ; the Superintendent still urged that the pass should be given to him saying that the Shroff was a family man and would lose his appointment and that he himself would also be disgraced ; by Deputy Constable's directions I went to report what had occurred to Station Deputy Constable and to Sub-Magistrate ; I did report to Station Deputy Constable and also to the Sub-Magistrate whom I met on the road from Kandadu ; by Deputy Constable Veera Badriyan's directions I afterwards went and brought the Salt bandies near the Station ; I remained with the bandies till 10 or 11 o'clock when I went to take my meals ; I then left in charge of the bandies Constable Rungasawmy and Venkatachellum and Sabapathy Pillay ; I returned to the bandies again about an hour later.

Read over to witness in Tamil, a language understood by him, and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

Note—The Counsel for the 1st defendant (the Salt Superintendent) wished to recall the 2nd witness for the purpose of obtaining clearer evidence as to the manner in which document F was prepared considering that doubt had been thrown on this point by the evidence of the 3rd witness.

The prosecution objected and the Court considering that the Counsel for the defence would have an opportunity of putting this question to the 2nd witness upon his being recalled for cross-examination thought the objection valid.

This fact is noted at the request of the Counsel for the defence.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

4th Witness for Prosecution.

Syed Hoossain Constable No. 679 sworn. I was on duty at the Merkanam Salt Pans at the close of last month. On 28th Deputy Constable Veera Badrayan called me to the plat-form and told me to remain there while the sales of Salt were going on ; I remained ; Superintendent and Shroff came there ; Shroff sat in a moveable hut ; Superintendent came in a bandy which halted and Superintendent continued to sit in it. Deputy Constable made Casava Row and Perumalu to sit near the bandies ; they sat there ; bandymen paid money to the Shroff ; Superintendent ordered Salt to be weighed out to the bandymen ; the Shroff kept a certain account which he gave to the Superintendent and according to the account the Superintendent was ordering Salt to be weighed out ; the Superintendent called out each man's name in the order in which the money had been paid by him ; he also called out the number of maunds for each man ; I saw the Deputy Constable go to Casava Row and Perumalu each time that an order was given to weigh out Salt and he spoke to these two Constables when the sales were finished ; the Shroff tied up the money in the bags ; he gave these two bags to the Peon Condojee whom he left there while he himself went to the Superintendent ; he spoke to the Superintendent ; the Shroff gave a pass to the Deputy Constable and went away with the bags which Condojee was carrying ; according to Deputy Constable's instructions I followed the Shroff and Condojee ; I was afterwards called back by Deputy Constable to the bandy which had stopped ; the Shroff and Condojee and a pariah returned with me ; Superintendent then said to the Shroff that the Deputy Constable had stated that there was a difference in the accounts and asked the Shroff whether there was a difference. Shroff said there was no difference. Deputy insisted upon the money and the accounts being examined ; a cumbly was thereupon spread out upon the bandy and the money bags placed on it ; Shroff had under his armpit a bundle of money which he placed on the left side of the Superintendent ; Superintendent placed this bundle in the bag containing the small coins ; the Deputy prevented him ; the Superintendent said, பணம் எடுத்துப் போடலாம், and tied the bundle up in the bag : they emptied the contents of the big bag and counted it ; it contained Rupees 849 ; they took one Rupee out of the bundle and placed it in the big bag which they tied ; then they counted the contents of the small bag ; I don't know how many Rupees it contained ; then they counted the money in the white handkerchief bundle ; they counted secretly, so I don't know the amount ; then the bundle was tied up and placed in the small coin bag ; then the Shroff took out from the bag he had the chittahs ; then Superintendent and Shroff told their servant to bring an ink bottle which was on the plat form ; after the ink bottle had been brought Superintendent said it was a mistake of the Shroff and that he would lose his appointment and that he himself (the Superintendent) would be disgraced, so that this case should be dropped. Superintendent asked the Deputy Constable to give the

pass which he had, and that he (Superintendent) had another pass which he would compare with the first pass, correct the mistake and return the pass, so that the matter should not be known abroad ; the pass was not given up ; after the ink bottle had been brought Superintendent put his pen into it and drew a line and wrote something on a chit which had been given to him by the shroff from a bag which bag Shroff had with the chittah. Superintendent kept the chit upon which the line had been written in his hand ; he also proceeded to write on the chittah, but did not write on it ; the Deputy Constable took the ink bottle away ; then the Superintendent's bandy went on its way ; and Deputy Constable, myself, Casava Row, Shroff, and Condojee proceeded to Merkanum ; we kept along side of the bandy ; the bandy stopped near Superintendent's house ; Superintendent came out of the bandy ; Superintendent kept the chittahs under his arm pit and proceeded towards his house ; on my observing this to the Deputy Constable he went and brought the chittahs from the Superintendent ; Superintendent told the Masalchee to take the money and go with the police to the station ; Masalchee accordingly went to the Cutcherry where the station also is ; I went to the station with him ; previously to this Deputy Constable had sent Perumalu to inform the Sub-Magistrate ; the Sub-Magistrate came ; I went and informed the Deputy that the Sub-Magistrate had come ; the Deputy went to the Sub-Magistrate's office and brought him to the salt Cutcherry ; the Sub-Magistrate sent for the Superintendent and shroff who came ; the Superintendent observed that the Shroff had made a mistake and that a "criminal case" was being made of the affair ; the money in the bags and the chittahs were examined ; while we were coming from the salt pans to Mercanum the Shroff said that he would give each of the Constables present Rupees 20 each to say nothing about the affair ; two Constables and one Deputy were then present ; I did not hear the Superintendent offer any bribe at the bandy ; the Deputy and Casava Row and the Shroff were following the bandy ; I did not hear Superintendent offer any bribe to the Deputy or Casava Row. I was at a distance of 8 or 10 yards from them as they were following the bandy.

Read over to witness in Tamil a language understood by him and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

5th Witness for Prosecution.

Teroovengada Moodely Sub-Magistrate of Merkanum sworn ; I remember 28th of last month ; on the evening of that day Deputy Constable Veera Badrayan came to me and related to me certain circumstances that had happened at the Merkanum Salt pans on that day ; I told him to give in to me a brief report regarding these circumstances ; the paper marked X is the report I refer to ; this is the report that the Deputy Constable gave in ; in consequence of receiving this report I went to the station ; there I found the station writer with other Constables and the Salt Superintendent and his Shroff and his Goomastah and certain Salt Cutcherry servants whose names I don't know ; I don't know the names or the numbers of the Constables who were present ; I found certain money bags and a bundle of chittas in the charge of the station writers ; the money bags consisted of a large bag and two others which wee tied together ; these two that were tied together were bags ; there were therefore 3 bags in all ; there was also a bundle containing chittahs ; the Superintendent said that the Deputy Constable had made many irregularities ; that the Shroff had given to him (the Superintendent) two passes for signature ; that he had signed them, and told him to give them to the Deputy Constable ; that accordingly the Shroff went to give them to the Deputy Constable ; that the Deputy Constable received only one pass and refused to receive the other ; that thereupon he (the Superintendent) said "let it be so" and that the Superintendent and the Shroff were going to the Salt Office when the Deputy Constable again came to the Superintendent, and said that there was a difference of 50 maunds between the pass, and their account and that he insisted upon searching the money, and the bandies and seeing the chittahs ; that he (Superintendent) said there would be no mistake, and that the Deputy Constable was not to give trouble ; that the Constable insisted upon searching ; whereupon thinking that he (the Superintendent) would be disgraced and that there were many Constables present, who would rob the money, he allowed the search ; that the search was made ; that the Constables saying there was a difference, followed the bandy, stopped near his (Superintendent's) house ; that thereupon he got out ; that even there they disgraced him by insisting upon a search ; saying that he had taken away the chittahs ; that they took hold of his clothes searching him ; (the Superintendent) observed to me (the Sub-Magistrate) that the money and the maunds were correct and that that was all he cared about ; he (the Superintendent) then showed two receipts and one pass saying that with reference to these the money was correct ; the paper marked C is the pass I speak of ; those marked B and D are the two receipts ; the Deputy Constable looked at the pass and the two receipts ; in consequence of a remark made by the Deputy Constable, I looked carefully at the two receipts and the pass ; in one of these three papers the writing appeared to be in a darker ink and hurried ; in what paper I observed that difference I cannot say ; the receipt marked D (read D) which is now put into my hands is that in which I observed the difference ; this difference I still observe ; document D is in darker ink and is written hurriedly ; I ordered station Deputy Constable Vencatasawmy Naidoo to go and see how many Salt bandies there were ; in consequence of the Report that he brought back I was led to ask the Superintendent the cause of the difference ; he replied that if there was difference in the number of bandies, it was the fault of the clerk. I placed the money and chittahs in the charge of the Police at the Station for the night having previously sealed them up ; next morning Deputy Constable, Veera Badrayan gave a deposition before me ; in consequence of receiving this deposition, I forwarded certain papers to this Court ; those papers consisted of the clerk's chittah (marked K) the Shroff's chittah (marked L) and the papers marked E, D, B, C and A ; I don't know whether I sent any more papers ; the paper now shown to me (crime Report X). I also sent to this Court ; the document E was given to me by Deputy Constable Veera Badrayan ; this Deputy also gave me the document A ; in delivering document E he said it was a statement that had been proposed with reference to the number of bandies and of maunds of Salt and of bandymen called out by the Salt people ; I do not remember the sum of the contents of the bag containing whole Rupees ; the contents of the 3 bags together amounted to Rupees 974, 975, or 976. I do not remember exactly ; in the cloth there was

Rupees 83-6, I am not quite certain about this amount; this cloth containing money was produced from the bag containing small coins. On the morning of 1st Instant, I went and searched certain Salt bandies; there were then 48 bandies; Kader Saib's 6 bandies were included in these 48; I did not weigh the contents of the whole 48 bandies; I weighed certain 6 bandy loads; there were 78 maunds being at the rate of 13 per each bandy; having my attention drawn to the fact that 4 were entered in Kader Saib's name in the second pass and 50 maunds of Salt entered against these 4 bandies, I went to the Salt bandies for the purpose of weighing; thereupon I weighed the 6 bandies above referred to; I weighed 2 or 3 other bandies, but I forget particulars; in the bag containing the whole Rupees old and new ones were mingled; in the bundle, also, old and new Rupees were mixed.

Read over to witness in Tamil a language understood by him and acknowledged by him to be correct.

(Signed) J. HUGHESDON,
Acting Head Asst. Magistrate.

6th Witness for the Prosecution.

Mahomed Esuff (Deputy Collector) in charge of Salt Dept. I have been in charge of the Salt Dept. in this District for about 6 years. I am acquainted with the accounts which should be kept by the officers of the Salt Dept. I know the general nature of Salt Rules but might not be able to go into them with particularity; when purchasers come to the pans for Salt they pay their money into the Shroff's hands; the Shroff enters the amount received in his Chittah and gives the purchaser a receipt; the purchaser gives this Receipt to the Salt Officer conducting the sales of Salt; this Officer thereupon orders the required amount of Salt to be weighed out; this amount having previously been entered in the receipt; the officer gives the receipt to be entered in a Chittah by a Clerk; I do not think the Salt could be given away before it has been entered by the Clerk in his Chittah; sometimes one single pass for the whole day's sales is made out and signed by the officer conducting the sales; this pass is given to the carters; the number of passes given depends entirely on the day's transactions; for each receipt a pass is given; the number of maunds in each pass must exactly correspond with the number of maunds on each receipt; the number of passes must exactly correspond with the number of receipts; a receipt is not given invariably to each purchaser; if 2 or 3 purchasers come together one receipt may be issued for the whole of them; that receipt however will contain the name of each purchaser together with amount of money paid by each; and sundry other particulars; from the Merkanum Salt pans a report of every day's proceedings is sent to me; the officer incharge of the Salt pans, whether Superintendent or Assistant Superintendent sends me this report. I did not receive reports from Merkanum for 28th and 29th Ultimo. I did however receive two Urzees from Superintendent; the document marked Y is the Urzee I received from the Merkanum Superintendent on 29th ultimo; the document marked Z is the urzee received on 30th ultimo; at the close of the day the receipts I mentioned before are sent to me by the officer in charge of the pans; the passes are likewise sent to me by the Police.

Read over to witness in English a language understood by him and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

6th Witness for Prosecution re-called.

Mahomed Esuff in the ordinary course of the work there have been some instance of ill feeling between the Police and the Salt Department; complaint of this kind have reached me officially; I don't remember that there have been cases of unpleasant feeling between the present Superintendent (now before the Court) and the Police; I don't remember any particular complaint having reached me in the month of January; the Shroff is bound to enter immediately in the chittah the money he receives; this is the rule; any departure from this rule would be severely dealt with; no Salt should be given away without an entry in the clerk's chittah.

By 1st Prisoner's Vakeel.

Q. Can you state of your own personal knowledge whether the strict letter of the Rule is, or can be carried out during a press of business and in the absence of the clerk.

A. The entries in the clerk's chittah might possibly be postponed; but the entry in the Shroff's chittah must be made under any circumstances. There is no precise rule as to the time when the chittahs are to be examined by the Superintendent; he may examine them at intervals in the course of the day, but must at all events do so at the close of the day; he may do so at the platform or at his office.

Q. Does the Superintendent invariably examine the receipt and chittahs before he signs the pass, or may he not in this press of business sign the papers prepared by the clerks.

A. The Superintendent in these cases would trust the subordinates at his own risk.

Read over to witness in English a language understood by him and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

Note.—This witness has been cross-examined at this stage of the proceedings by mutual consent of the prosecution and defendants.

(Signed) J. C. H.,
23rd July 1866. *Acting Head Assistant Magistrate.*

Note.—Kader Saib, for whose attendance a summons was issued by Mr. Thomas, Deputy Collector and Magistrate is not present; the prosecution consent that the case should proceed; the Court reserving to itself the power of adjourning the case at any time, should the attendance of said Kader Saib as a witness, appear to be necessary; this note is made at the request of the prosecution.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

The counsel for the defence wishes to re-call and cross-examine the witnesses for the prosecution before proceeding with his speech for the defence. The Court, however, sees no reason to depart from the course as laid down in the Code that "if the accused person have any defence to make to the charge he shall be called upon (1), to enter upon the same and to (2) produce his witness if in attendance and shall be allowed to (3) recall and cross-examine the witnesses for the prosecution."

(1), (2), (3,) refer to the order in which the several steps are laid down in the Code.—J. C. H.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

1st Witness for Defence.

Condojee Row, Salt Peon, at Merkanum Pans sworn; I remember 28th June last; on that day I went to the Salt pans at 3 P. M. I saw first and second prisoners at the Salt pans; 2nd prisoner was receiving money from the bandymen; he kept the money as he received it on a cumbly; I did not count the bandies; there were between 40 and 50; the Superintendent was selling Salt; I was standing near him; the Shroff called me and gave me a pass, to which he told me to get the signature of the Superintendent; I got the signature and gave the pass back to the Shroff; I remained standing near the Shroff; he told me to see about a man to carry the money; I brought a man; when I brought the man Deputy Constable Veera Badrayan, Constable Syed Jaffir, and Casava Row were there; they were refusing to receive the pass; the Shroff kept the pass and took these Constables to the Superintendents; I gave one bag to the pariah and another small bag I took myself; the pariah and myself got off the plat-form; the Deputy came and pulled away the chittahs that I had under my armpit; Syed Jaffir came near with Casava Row and told me to take the money to the Superintendent; I went to the Superintendent who was in his bandy; the bandy was still near the platform; the money was counted; Superintendent said that the money was correct according to the chit and the pass and what objection was there to receiving the pass; Superintendent said if you have any doubt, you may stop the bandies, search them and inform your master, and he told me to take the money; I don't know how much money there was; but it was contained in one small and one large bag; the Deputy seized the bags giving one to Casava Row, and keeping one himself; the Deputy took the chittahs also; Superintendent said "Put in the bullocks and go on;" the bandy thereupon proceeded; Deputy Constable, Casava Row, Syed Jaffir, and Mahomed Jaffir came along with the bandy keeping the money on the bandy; the bandy went near the Superintendent's house; he alighted; Veera Badraieyan seized the Superintendent's upper cloth and asked him to allow a search; Casava Row and Syed Jaffir having suggested the course the hip cloth was searched; Superintendent went inside the house; Syed Jaffer and Casava Row took the money bags to the Cutcherry; I went home; the pass that the Police refused to receive was the one, I had taken to the Superintendent for signature; I can write my signature; I cannot read very well; I did not receive the pass; the Shroff wrote the pass; the Shroff does not always write the passes; a Goomastah generally writes them, but he was absent on that day; if it was a busy time, the Goomastahs would have to remain in the office; this was a busy time; it was the season for heaping and measuring Salt; the Shroff was busy that day; he was busy because it was towards the close of the month, and he had to go to the office to make up accounts; the quantity of Salt sold that day was about three quarter of the usual quantity sold daily; but few bandies came for Salt that day; I did follow the Superintendent's bandy as far as his house; the Shroff also followed the bandy for some distance, but turned off to his own house before we reached the Shroff's house; I did not hear the Shroff say any thing to any body while the bandy was proceeding; there was no conversation among the people with the bandy; I was close to the bandy; I last saw the pass which the Police refused at the time they refused it. I do not know what became of that pass after the Police refused it. I did say in my deposition before Mr. Thomas that the Shroff gave to the Superintendent the pass that the Police had refused to receive. I did say in my deposition before Mr. Thomas something about a small bundle containing coins. I saw this bundle for the first time when the money was counted on the road at the request of the Constables. I saw the bundle then for the first time; it is usual to take the money bags at the close of the sale to the Cutcherry; on the day in question we were taking the money to the Cutcherry; the Superintendent's house is on the road to the Cutcherry from the platforms.

Read over to witness in Tamil a language understood by him and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Asst. Magistrate.

2nd Witness for Defence.

Kistn Row, *Head Clerk Head Assistant Collector's office, sworn.*

I know 1st prisoner; I do not know second prisoner; I know 1st prisoner's hand-writing; he was in the Collector's Office with me; the signature to the documents A, B, C, are in his hand-writing in English; but the signatures *only* are in his hand-writing.

Read over to witness in English a language understood by him and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

3rd Witness for Defence.

Streenevasa Iyengar, Tahsildar and Sub-Magistrate of Tindivanam examined. I know 1st prisoner; I know the 1st prisoner's hand-writing; the signatures attached to the documents A, B, C, are in his hand-writing, but no other part of these documents; the paper W shown to me is in the hand-writing of 1st prisoner; it is quite different to that which appears in documents A, B, C.

Read over to witness in English a language understood by him and acknoweldged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

4th Witness for Defence.

Chendra Nadarnainar Talook Shroff Tindivanam; I know 1st prisoner; also 2nd prisoner; I know the hand-writing of both; the body of documents **A**, B, C, is in 2nd prisoner's hand-writing; I don't know whose signatures are attached to those documents as the signatures are in English; I am in the habit of receiving remittances every fortnight from Merkanam accompanied by an Irasthanah, written and signed by 2nd prisoner.

Read over to witness in Tamil a language understood by him and acknowledged by him to be correct.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

Adjourned till Friday 27th instant.
24th July 1866.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

Note.—Janakeraupautooloo one of the vakeels for the defence states that he is authorised to declare it to be the wish of the prisoners that the Court proceed to judgment without the examination of certain witnesses whom at the request of the said vakeel, the Court had summoned to appear on Friday, 27th Instant.

The same vakeel also states it to be the intention of the prisoners' advisers not re-call and cross-examine the witnesses for the prosecution.

The Court accordingly proceeds to sum up the evidence preparatory to finding and judgment.

(Signed) J. C. HUGHESDON,
Acting Head Assistant Magistrate.

(True Copy).

Acting Head Assistant Magistrate.

P.

Summary of Evidence and grounds of conviction.	*Objections taken by the Superintendent to his conviction by the Head Assistant Magistrate.*
Para. 1. The case for the prosecution is as follows:—Veerabhadriyan, 1st witness for prosecution, having reason to suspect the existence of malpractices in the sale of salt by the two prisoners, resolved on 28th ultimo to watch carefully their proceedings on that day; with this view he posted near the place where the salt was being weighed out and deposited in the bandies, two Constables, named Casava Row and Perumalu; while he himself remained at the place where the purchasers were paying their money preparatory to passing on to the salt heaps and receiving their salt. He warned the Constables to note the name of each purchaser and the amount of salt received by him. The business of the day commenced, 2nd prisoner (Shroff) came to the salt premises and took his station "in a moveable hut near the salt heap "where the salt is sold," and proceeded to receive their money from the intending purchasers of salt. At 1 P. M., while these payments were going on, the 1st prisoner (Salt Superintendent) arrived in a bullock bandy out of which the bullocks were taken, and the yoke placed on the salt platform, and in the bandy the Superintendent continued to sit. The Shroff thereupon goes up to the Superintendent and places in his hand a piece of common country paper, and referring to the particulars on this piece of paper, the Superintendent calls out the name of each purchaser and the amount of salt that is to be weighed out to him. While the weighing out is proceeding, the Deputy Constable goes from time to time and states to the two posted Constables the names and figures called out by the Superintendent. One of these Constables (Casava Row 2nd witness for prosecution) states that he heard the particulars as they were called out by the Shroff aswell as when they were repeated by the Deputy Constable and that of these particulars he made a note with pencil and paper. The weighing out being concluded about 4 P. M., the Shroff receives from the Superintendent the piece of common country paper, and with reference to it prepares the Clerk's Chittah (marked K) the Shroff's Chittah (marked L) a receipt (marked B) and a pass (marked **A**), the Shroff gets the pass and receipt signed by the Superintendent, and gives the other to the Deputy Constable according to usual practice. Deputy Constable takes it to the two Constables. The weight of salt sold that day is stated in the pass to be 577 maunds, but from the note kept by Casava Row, the total appears to be 627 maunds, meanwhile the Shroff, has started taking with him the Chittahs. A Peon named Condoji (1st witness for defence) accompanies Shroff, conveying the money bags. The Superintendent also is about to depart in his bandy. The Deputy Constable goes up to him and informs him of the difference of 50 maunds, and insists upon counting the proceeds of the day's sales. The Superintendent at first objects, but at length the Shroff, with Condoji, is called back. The Shroff is now observed to be carrying under his left armpit a small bundle, which he places (in a manner as if he wished the movement to be unperceived) by the side of the Superintendent in the bandy. The Superintendent attempts to place the bundle in one of the money bags, and notwithstanding the remonstrances of the Police, persists in doing so. The large bag of money is now counted by the Superintendent and Shroff and contain 849 Rupees. The bundle is untied, a Rupee removed from it and placed in the big bag; thus increasing the amount in that bag to Rupees 850. The contents of the small bag (containing small coins) and of the bundle are now counted, but the amount is not stated by the Shroff and Superintendent, who, however, are observed to remove 6 Annas from bundle to small bag. The Police insist upon seeing the Clerk's and Shroff's Chittahs; the quantity of salt sold that day is entered therein as 577 maunds. Perceiving this, Superintendent asks Shroff why he had committed such irregularities; he replies that it is a mistake, and begs of Superintendent to protect him. Superintendent begs the Police to desist from further enquiry, as they will gain no advantage, and will only get him and Shroff into trouble; he also proceeds to make out a fresh pass for 50 maunds, which the Police refuse to receive. The bandy starts again; while on its way the Superintendent and Shroff offer bribes to the Police to induce them to drop the enquiry. The bandy reaches Superintendent's house which is on the road to	Para. 1. The case as laid for the prosecution is a pure concoction.—Vide document marked Q of Appendix.

Cutcherry; the Superintendent alights, taking with him the money bags and Chittahs; the Police insist upon his giving up the Chittahs and Bags. He gives them up, and they are conveyed to the Police station, which is under the same roof as the Cutcherry. The Police report to the Sub-Magistrate; he arrives, sends for Superintendent and Shroff, and counts the money; the bundle above referred to is then found to contain Rupees 83, which, with the one Rupee and the 6 Annas previously removed, is the exact price of 50 maunds of salt.

2. This, then, is the account given by the prosecutor. It is the account repeated before this Court by four witnesses, and I am bound to state my opinion that the variations in the depositions of these witnesses are not greater than might be reasonably expected in four independent statements of occurrences that took up several hours. Such of these discrepancies as call for notice will be mentioned hereafter. I would now draw attention to those independant and external facts, which seem to me to make for the truth of the case for the prosecution.

2. The Head Assistant Magistrate refers only to the account given by the witnesses for the prosecution before his Court; but he does not at all allude to the proceedings held before Mr. Thomas, Deputy Collector and Deputy Magistrate, as well as before the Sub-Magistrate. The variations in the depositions of the witnesses before the three officers, viz. Sub-Magistrate, Deputy Collector and Deputy Magistrate, and the Head Asst. Magistrate, are very great and striking; and they demand serious consideration, vide Document marked Q of Appendix

3. First, there is to be noted the promptness with which the case is brought to the notice of the Sub-Magistrate, and the fact that the depositions as given before the Sub-Magistrate by 1st witness for the prosecution on the morning after the occurrences related, does not appear to differ in any material manner from that now given by the same individual before this Court. What opportunity therefore can the Deputy have had for concocting, with the other Constables, the long and intricate case as laid for the prosecution?

3. It is no wonder that the Police brought the present case to the notice of the Sub-Magistrate with great promptness, inasmuch as they concocted it against the Salt servants by a conspiracy which is the result of an ill-feeling existing between the Salt and the Police Department. The Head Assistant is not right in saying that the deposition of the 1st witness given before the Sub-Magistrate, does not differ in any material manner from that given before his Court, while it contradicts on all material points, his two depositions given before Mr. Thomas and Mr. Hughesdon. This will be seen from the Document marked *Q* of Appendix.

4. I would remark, too, on the decisive manner in which the Clerk's and Shroff's Chittahs produced in evidence (marked K and L) confirm the statements of the Police. The entries for the day's sales are placed at 577 maunds. The day's sales are totalled up at that figure and the Accounts *are ruled off* and *closed*.

4. The Head Assistant Magistrate is entirely wrong in saying that the Shroff's and Clerk's Chittahs had been ruled off and closed. The mere total of the several figures in one receipt and its corresponding entry in the Chittah have been considered by Mr. Hughesdon as being ruled off and closed. Had such been the case, the grand total of the several totals in the Shroff's receipts would have been added up to the total of the figure up to the previous date, and the items been thus brought forward. In the Chittahs in question such has not been the case. A reference to the Chittahs of the 22nd June 1866, will prove the fact beyond all doubt. Vide Documents marked E and F of Appendix.

5. I would also comment on the apparent absence of any animosity against the prisoners on the part of the Police. The Deputy Collector in charge of Salt Department was pressed on this point by the counsel for the defence and although he admitted that instances of unpleasant feeling between the Salt officials and the Police had come to his knowledge, he could not call to mind any case in which either of the prisoners had been concerned. Whether the witnesses for the prosecution look for any reward in the way of promotion or otherwise for their zeal in this matter, it is impossible for me to say, but I think I may safely assert that however often false charges are brought through animosity, even in this country it seldom happens that a lying accusation against any one is made simply for the purpose of some slight possible and ulterior benefit to the accuser himself.

5. There has been ill feeling-existing between the Salt and the Police Department, and this is admitted by the Salt Deputy Collector himself, though he said he was unable to call to mind any particular case in which Superintendent was concerned; but a reference to the records at the Salt Deputy Collector's Office will show beyond doubt that there have been complaints made against the Police by the Superintendent, which led to the dismissal of several Constables from their posts. Besides the Police have acted in the matter with great zeal for obtaining reward from their superior. The fact is evident from the singular circumstance that all the Constables and the Deputy Constable that gave evidence against the Salt servants not only obtained reward for their services in the matter, but also were promoted to higher grades by their superior, the Superintendent of Police.

6. And now as to the discrepancies in the evidence. The Police state positively that the Superintendent took a pen and wrote something in the second pass (c) which pass the Police refused to receive. The counsel for the defence has taken considerable pains to prove that the body of this document is not in 1st prisoner's handwriting. On comparison of this paper with others admitted in 1st prisoner's hand, I am of the same opinion. But I don't think the point is one of very much importance. An alteration in darker colored ink than the rest of the paper has not been accounted for by the defence, and at all events the 1st prisoner's signature is attached to the paper in question. This signature alone may have been written in the bandy; the pass itself having been previously prepared in case of the discrepancy between the original pass and the actual number of maunds sold and delivered to the bandy man coming in any way to light. Indeed the very existence of this second pass makes against the prisoners. The original pass was for 48 bandies—the number stated by the Sub-Magistrate to have received salt on the day in question, while the 2nd pass though it brings up the number of maunds to the figure stated by the Police, adds 4 bandies, which addition the defence has not accounted for.

6, 7 and 8. In these paras, the Head Assistant Magistrate endeavours to defend the prosecution, though it has completely failed to establish the several charges against the Superintendent. It is very remarkable that the Head Assistant should treat all the important and striking contradictions abounding in the depositions of the witnesses which go against the prosecution as immaterial and unimportant, while he calls every irrelevant and minor point which goes in its favor as important and worthy of notice. A reference to the document marked Q of Appendix, will prove that the views of the Head Assistant expressed in these paras are devoid of foundation.

7. The discrepancy as to the amount of the bribe offered by the prisoners is, I consider, of more importance, but standing as it does almost alone, I cannot think it overrides facts otherwise abundantly proved.

8. To another circumstance I was inclined to attach great importance as against the case for the prosecution. This was the absence of any notice till the Shroff had been called back to the bandy, of the bundle alleged to have been at that time under the Shroff's arm. But both the Sub-Magistrate and the 1st witness for the defence speak positively of the existence of such a bundle. The Sub-Magistrate, indeed, states that it contained Rupees 83-6-0, whereas the Police put the figure, when counted before the Sub-Magistrate, at Rs. 83. I am not inclined to attach undue importance to this discrepancy, for the Sub-Magistrate, though he must have been aware of the importance of the enquiry in which he was engaged, took no note of the sum total of the money contained in the bags, and is unable to give the Court any but vague information, on the point.

9. I proceed now to the defence—one witness only (Condoji) is called to speak to the occurrences of the day in question. He contradicts the Police in two or three important particulars, but as he also contradicts on an equally important point, a previous deposition made by himself, I do not attach much value to his evidence.

9. It is to be observed that the Superintendent called no witness for his defence—His condemnation by the Head Assistant was based on the one sided record of that officer. The witness Condojee referred to in this, was cited by the Shroff for his defence. It is most singular that while the Head Assistant gave very little credit to the testimony of this witness for contradicting a previous deposition made by himself on a most irrelevant point, he has attached undue importance to the story of the witnesses for the prosecution who have all contradicted their previous statements on oath made before the Sub-Magistrate and the Deputy Magistrate on all the important points.

10. The statements of the witnesses, called to speak to 1st prisoner's handwriting I have already alluded to.

10. This needs no observation.

11. Having now considered the whole of the facts of the case, and accepting, as I feel bound to do the truth of the statements made by the prosecutor's witnesses, I proceed to the question whether the conduct of the prisoners has amounted to an offence against the law of the country, and has rendered them liable in a criminal prosecution.

11. Mr. Hughesdon observes that he proceeds to consider from the facts of the case before him, whether the conduct of the salt servants has amounted to an offence against them, and renders them liable to Criminal prosecution as though he has held

his proceedings in accordance with the principles of law. But it is most important to mention here that all his proceedings against the Salt servants were illegal and improper by his refusal of the privilege of cross-examination of the witnesses to the accused, and by his totally ignoring the existence of Mr. Thomas' proceedings which go completely against the prosecution. Thus, Mr. Hughesdon was not justified to judge from the facts elicited from the one sided record alone, whether the conduct of the Superintendent and that of the Shroff have amounted to an offence, and whether such conduct renders them liable to criminal prosecution.

12. The counsel for the defence never urged that at the utmost the prosecution have only succeeded in proving that the prisoners intended to commit an offence. A reference to the defence put in by the counsel on behalf of the Superintendent, will prove that the remark of the Head Assistant on the point is devoid of foundation.

13. This and the latter part of the preceding para chiefly relate to the Shroff's guilt. It is not for the Superintendent to offer any remark or observation respecting the views of the Head Assistant in regard to the Shroff's guilt; but the point is left for determination to the reader from the facts of the case before him.

14 and 15. There is no evidence on the whole of the records to substantiate the charges against the Superintendent. On appeal to the Sessions Judge, the proceedings of the Head Assistant against the Superintendent were condemned, his conviction by that Officer annulled and the sentence set aside. It is therefore unnecessary to make any observation on the various points touched upon by the Head Assistant in this para.

12. The counsel for the defence urges that, at the utmost the prosecution have only succeeded in proving that prisoners intended to commit an offence. With reference to this statement I must commence by a consideration of the 2nd prisoner's case. Was than the act of laying a side and keeping distinct from the other moneys, the sum of Rupees 84-6-0, an attempt to criminally misappropriate that sum; or was it merely a preparation to commit criminal misappropriation; or did it only disclose a guilty intention?

13. Now a bare criminal intention is no offence, nor, except in one or two cases specially provided for in the Indian Penal Code, is the preparation to commit an offence a substantive offence. But the Law with regard to *attempts* to commit offences is in a very different state, and the framers of the Code have inserted a section making punishable attempts to commit any offence, provided that the offence attempted is punishable with transportation or imprisonment, and that some act has been done towards the commission of the offence. And Parke B. is reported to have observed in Reg. v. Roberts, that an attempt to commit an offence will be indictable "it is an act directly approximating to the commission of an offence," and to much the same effect said Cockburn, C. J., (quoted in Mr. Mayne's Penal Code) "an attempt to commit felony can only be made out where, if no interruption had taken place, the attempt could have been successfully carried out so as to constitute the offence which the accused is charged with attempting to commit." In the case now before me an interruption did take place and a most effectual one, but looking at the whole of the surrounding circumstances of the case, foremost among which stand non-entries in the Chittahs, and the fact of those Chittahs having here closed for the day, I consider that the separation of the sum of Rupees 84-6-0, (being the proceeds of the sale of 50 maunds of salt) from the remainder of the money realized in the course of the day—I consider, I say that this separation was an act directly approximating to the consummation of the offence of criminal misappropriation, and as such that it is punishable under Section 511 of the Code.

14. To revert to the first prisoner. Has his conduct been such as to justify or to negative the belief that the attempt at criminal misappropriation by 2nd prisoner was the result of a conspiracy between them to criminally misappropriate a part of the proceeds of the day's sales of salt? Observe than the manner in which the sales were conducted. The Shroff receives the money from the purchasers, and notes the transactions on a piece of common country paper. When the Superintendent arrives for the purpose of delivering the Salt, the piece of paper is given to him, and, according to the particulars therein entered, the weighing out of the Salt proceeds; at the close of the day's transactions, the piece of paper is returned to the Shroff, who proceeds to make out therefrom, the Clerk's Chittah, the Shroff's Chittah, a pass and a receipt. But all this is quite different from the course laid down in the Salt Manual, and from the course stated by the Salt Deputy Collector to be the one usually followed. The entries should have been made by the Shroff in the Chittahs, immediately on his receiving the money from the bandy men, and the receipts should have been made out at the same time, and delivered to the bandy men to take to the Salt

Superintendent. Instead of this course the piece of paper is made to answer the purposes of Chittah and receipt, and these forms are not prepared till the close of the sale. I cannot help thinking that the Superintendent's connivance in these unusual proceedings goes a long way to prove his cognizance of what was to follow. And when the difference between the note kept by the Police and the pass given by the Shroff is brought to the notice of the Superintendent, does he court enquiry, as it was clearly his duty to do as officer in charge of the Salt Pans? Not at all; on the contrary he throws considerable obstacles in the way of the enquiry, and on this point the testimony of the Police is confirmed by Superintendent's own urzees to the Salt Deputy Collector; in which, in plaintive tones, he deprecates the interference of the Police and their attempts to make a criminal case of a mere hand mistake, instead of stating boldly that the fuller the enquiry, the more satisfactory must be the results, as it must come out that the error was merely clerical.

15. Taking, then, all the evidence into consideration, I cannot avoid the conclusion that the first prisoner had conspired with the 2nd prisoner to defraud the Government, and that he thereby committed an offence punishable under Section 109, Indian Penal Code.

(True Extract.)

J. H. HUGHESDON,
Acting Head Assistant Magistrate.

Q

Analysis of Evidence shewing discrepancies and contradictions in the depositions of the witnesses held before the three officers, viz. Sub-Magistrate, Deputy Magistrate and Head Assistant Magistrate.

Name and No. of witnesses.	Point or Subject.	Before Head Assistant Magistrate upon oath.	Before Mr. Thomas, Deputy Collector and Deputy Magistrate upon oath.	Before Merkanam Sub-Magistrate upon oath.	Remarks.
1st witness Dy. Constable Veerabathra Pundaram.	1 Respecting irregularities on the 26th and the 27th June last.	On the 26th and 27th, I kept notes of the quantity of salt sold. On these 2 days, I found certain differences between the notes kept and the passes given. On the 26th, I found a difference of 55 maunds and on the 27th 41 maunds.	Same as before the Head Assistant Magistrate.	Speaks nothing on this point.	If irregularities had really taken place in the sale of salt on the 26th and 27th June last, they would have been discovered then and there. On these 2 days the Police said they kept notes of salt sold, and observed differences between the notes and the passes given. If this were true, why did the Police let the Salt carts to leave the platform on these days knowing they contained more salt than the quantity noted in the passes? The Police must have stopped the carts, and reported the same to the Superintendent or to the Sub-Magistrate, just as they had done on the 28th June last; but they have not done so. If they plead that the salt bandies had left the Platform before they received passes, and therefore they were unable to stop them, the excuses would then also be inadmissible, and they would be guilty of breach of their duties for not detaining the bandies till the passes given, and the contents of the bandies examined by them as they usually used to do. This circumstance alone is conclusive to prove that the statements of the Police respecting the irregularities of the 26th and 27th are false; and if not false, the Police themselves should have wilfully connived at the fraud by suffering the salt carts to leave the Platform on the face of the obvious difference said to have been observed between the notes kept by them (Police) and the passes given by the Salt Officers.
2nd witness Kasava Row.	Do.	Same as above.	Do.	...	
3rd witness Perumal.	Do.	Deputy Constable told me to be present at the Platform stating there had been certain irregularities.	Deputy Constable told me certain irregularities had taken place on the 27th	...	
4th witness Syed Usein.	Do.	Says nothing on this point.	On the 28th morning Deputy Constable told me to be present at the Platform to watch the sale of Salt, as certain irregularities had taken place.	...	
1st witness Dy. Constable Veerabathra Pundaram.	2 About piece of paper with reference to it, the sale was said to have been conducted.	As the purchasers of salt paid money to the Shroff, the latter wrote their names on a piece of paper with reference to which, the Superintendent conducted the sale. On the close of the sale the Shroff received back this piece of paper from the Superintendent, and prepared the Shroff's Chittah, Clerk's Chittah, a pass and a receipt.	The Shroff wrote the names of purchasers of salt on a thick dark paper as they paid price of salt to him (Shroff). Speaks nothing about the other circumstances mentioned before the Head Assistant Magistrate.	Speaks not a word regarding the piece of paper.	The first witness alone speaks about the piece of paper. The others do not. The statement of the first witness on this point, is directly opposite to that of the 2nd witness. Had this been true, the Police would have produced the piece of paper in evidence just as they had done with the Chittahs, or mentioned at least in the deposition given before the Sub-Magistrate, or in the Report made to that officer immediate to the occurrence of this unfortunate business. It is therefore conclusive to prove that the uncorroborated testimony of the first witness on the point is false in toto. Even if true for argument sake, it would be no offence; for the Shroff might have made a draft before entering into his Chittah (sealed and stamped) to avoid any mistake in the calculation and scratches in the chittah.
2nd witness Kasava Row.	Do.	As the purchasers of salt paid money into the Shroff's hand, the latter wrote their (purchasers') names on the receipt; and says nothing more.	Says nothing about the piece of paper.	...	
3rd witness Perumal.	Do.	Says nothing about the piece of paper.	Says nothing about the piece of paper.	...	
4th Witness Syed Usein.	Do.	The Shroff prepared certain account on receiving money from the purchasers of salt, and the Superintendent sold salt with reference to this account.	Says nothing about the piece of paper.	...	
1st witness Dy. Constable Veerabathra Pundaram.	3 As to who ordered to weigh out salt to the purchasers.	The Superintendent called out the names of the purchasers of salt and the weighers during the sale. He (Superintendent) ordered one Perooma to weigh out 35 or 36 maunds of salt. I reported these transactions from time to time to the 2 Constables (2nd, and 3rd witnesses) who were keeping notes of sale of salt.	The Shoroff called out one Percoma to weigh out 35 or 36 maunds of salt which was accordingly done; and these transactions were reported by me to the Constable No. 1,001.	Says nothing about the 35 or 36 maunds and about Perooma; but only says that the transactions of the sale were noted down by the 2nd and 3rd witnesses as he gave them out the particulars.	On this point, the first witness before the Head Assistant has contradicted his previous statement on oath before Mr. Thomas, although he was silent before the Sub-Magistrate, and has differed from that of the 2nd witness. These discrepancies are pointed out merely to show that the testimony of these witnesses, is not deserving of credit when considered in connection with other contradictions and discrepancies to be noticed hereafter.
2nd witness Kasava Row.	Do.	The Shroff only called out the names of purchasers of salt and weighers. In this way only I learned the particulars of sale on that day; and the Dy. Constable also gave out to me and to another Constable these particulars.	Speaks nothing on this point.	...	

Analysis of Evidence shewing discrepancies and contradictions in the depositions of the witnesses held before the three officers, &c.—(continued.)

Name and No. of Witnesses.	Point or Subject.	Before Head Assistant Magistrate upon oath.	Before Mr. Thomas, Deputy Collector and Deputy Magistrate upon oath.	Before Merkanam Sub-Magistrate upon oath.	Remark.
3rd and 4th witnesses Perumal and Syed Usein.	As to who ordered to weigh out salt to the purchasers.	Do not say any thing about 35 or 36 maunds and about Peeroona; but say that the Superintendent called out purchasers of salt and ordered weighers to weigh out salt.	Speak nothing on this point.	...	
1st witness Dy. Constable Veerabathra Pundaram.	4. As to who gave the first pass to the Police.	Says the Shroff gave the first pass to him (first witness.)	Same as before the Head Assistant Magistrate.	Says the Superintendent gave the first pass to him (first witness.)	The statement of the first witness before the Sub-Magistrate has been contradicted by him before the Head Assistant Magistrate and the Deputy Magistrate, though the other 3 witnesses do not differ among themselves on the point.
2nd, 3rd and 4th witnesses.	Do.	All these witnesses speak to the statement of the first witness on this point.	Do.	...	
1st witness Dy. Constable Veerabathra Pundaram.	5 About the bundle of money.	The Shroff had under his arm pit a bundle of money which he placed near the left thigh of the Superintendent.	The Shroff had under his left arm pit a bundle of money which he placed by the left thigh of the Superintendent.	The Shroff gave a bundle of money which was under his left arm-pit into the Superintendent's hand, and the superintendent received this bundle into his hands.	The statement of the first witness before the Sub-Magistrate has been contradicted by him before the Head Assistant Magistrate and the Deputy Magistrate. Besides these there are also discrepancies in the statements of the 2nd, 3rd and 4th witnesses on this point. These variations in the statements of the witnesses are conclusive to prove that the evidence on the subject of bundle of money being placed by the Shroff near the Superintendent is wholly false; nor is there reason to suppose under the above circumstances that the Superintendent could have connived at the Shroff placing this bundle of money in his (Superintendent's handy.
2nd witness Kasava Row.	do.	The Shroff had a bundle under his left arm, and he placed it under the left thigh of the Superintendent.	The Shroff placed a bundle of money which was under his left arm-pit on the left side of the Superintendent.	...	
3rd witness Perumal.	do.	The Shroff placed a bundle of money under the leg of the Superintendent.	The Shroff took a small bundle and placed it by the Superintendent.	...	
4th witness Syed Usein.	do.	The Shroff placed a bundle of money on the left side of the Superintendent.	The Shroff put a small bundle by the side of the Superintendent.	...	
1st witness Dy. Constable Veerabathra Pundaram.	6 As to the removal of certain Rs from the bundle of money into the money bags.	Says in the 1st part of his deposition, that one Rupee was taken from the bundle, and placed in the bag containing full Rupees; and in the subsequent part of the same deposition, states (6.) annas also were taken from the bundle, and placed in the bag containing small coins, when the one Rupee was taken from the bundle and placed in the bag containing full Rs. He further added he did not mention the (6) annas before, and this is proper time to tell of it. He does not say who removed this one Rupee and 6 annas from the bundle into the money bags.	Says that the Shroff alone took from the bundle of money one Rupee, and placed it in the bag containing full Rupees. He is silent on the subject of 6 annas.	Says that the bundle of money was untied, the Rs. counted, and the Rupees were again tied up as before in the same cloth. He does not say a word respecting the removal of one Rupee and 6 annas or any other sum from the bundle of money.	The first witness before the Dy. Magistrate and the Head Assistant Magistrate contradicts his own statement before the Sub-Magistrate on this point. The contradictions and the discrepancies in the statements of other witnesses are obvious enough. It is to be remarked here that there must have been some object for the removal of the money (one Rupee and 6 annas); and if it were to reduce the value of 50 maunds of salt amounting to Rupees 84-6-0, which were alleged to have been contained in the bundle with an intention to escape the charge brought on by the Police, the Superintendent would have emptied the contents of the bundle wholly and placed the whole amount of money or a handful of it into the other money bags to accomplish the object. He had opportunity for so doing. Why a Rupee and 6 annas alone should be taken out from the bundle and placed into the other money bags. A consideration of this important circumstance is conclusive to prove that the statements of the witnesses respecting the removal of money are wholly false. Added to this, consider for a while the contradictions and the variations in the statements of the witnesses on the point. All of them will tend to prove that the assertions as to the removal of the money from the bundle are unfounded.

Analysis of Evidence shewing discrepancies and contradictions in the depositions of the witnesses held before the three officers, &c.—(continued.)

Name and No. of witnesses.	Point or subject.	Before Head Assistant Magistrate upon oath.	Before Mr. Thomas, Deputy Collector and Deputy Magistrate upon oath.	Before Merakanam, Sub-Magistrate upon oath.	Remark.
2nd witness Kasava Row.	As to the removal of certain Rs. from the bundle of money into the money bags.	Says they removed one Rupee from the bundle of money, and placed it in the bag containing whole Rupees.	Same as before the Head Assistant Magistrate.	...	
3rd witness Perumal.	do.	Says that the Shroff alone removed one Rupee from the bundle of money, and placed it in the whole Rupees bag.	Says that the Superintendent took from the bundle of money one Rupee, and placed it in the bag containing whole Rupees.	...	
4th witness, Syed Usein.	do.	They took one Rupee from the bundle of money, and placed it in the bag.	They took one Rupee from the bundle of money, and placed it in the bag containing whole Rupees.	...	
1st witness Deputy Constable Veerabathra Pundaram.	7 As to who wrote the 2nd pass in the bandy.	The Superintendent took out from a cover two blank forms, one a pass and another a receipt. On the pass that the Superintendent had in his hand, one line was written and the Superintendent's signature—whether the Superintendent wrote the line, I don't know. The name of Kader Sahib and 50 maunds of Salt were written in the line.	Superintendent took out from a cover two blank forms, one a pass, and another a receipt. On the pass, Superintendent wrote the name of one Kader Sahib, entered 50 maunds of Salt and 8 bandies.	Superintendent untied his dufter, and took out two blank forms of pass and receipt—pass No. 1,012, and receipt No. 1,012. On the pass bearing, 1,012, he wrote Kader Sahib's name, entered 50 maunds of salt and 8 bandies.	*The first* and 2nd witnesses contradict before the Head Assistant Magistrate their previous assertions made before the Deputy Magistrate and the Sub-Magistrate. Before these officers, the witnesses have sworn they saw the *Superintendent* writing the 2nd pass with all the particulars; but before the Head Assistant, they have wilfully withdrawn their previous statements. These variations and discrepancies in the statements of all the witnesses are obvious enough. It has been proved that the writing in the 2nd pass *is not* that of the Superintendent. The Head Assistant Magistrate has admitted this fact. These material and important contradictions are conclusive to prove that the witnesses have given false evidence in the matter. They have wilfully and purposely withdrawn before the Head Assistant Magistrate their statements previously made before the Deputy Magistrate and the Sub-Magistrate in view to escape punishment for giving false evidence on a point not in existence at all. In the Salt transactions, every thing depends on the genuineness of the pass and the Shroff's receipt. The Police attempted to prove the 2nd pass was written by the Superintendent in the bandy; but failed to do so for the apparent reason which was the pass had not been originated with the Superintendent—neither has it been proved that the same had been written by the Shroff in the *bandy after* the complaint made by the Police. It therefore followed the same 2nd pass must have been written before the complaint of the Police at the pass during the regular course of business. This being the case, *there* is no charge at all against the Superintendent. Properly speaking, the witnesses were and are still liable to be prosecuted for perjury. While so the Head Assistant Magistrate gave very little consideration to these important circumstances under unknown causes. It is evident from these circumstances that the Superintendent was unjustly prosecuted upon false charges.
2nd witness Kasava Row.	do	The Shroff took out from a cloth bag one pass and one receipt—whether they were blank or not, I *don't* know. The Shroff gave these (pass and receipt) to the Superintendent who wrote something on the pass.	The Shroff took out one blank pass and one blank receipt. Superintendent wrote on the pass the name of Kader Sahib and entered 50 maunds of Salt.	...	
3rd witness Perumal.	*do.*	Speaks nothing on the point.	Superintendent wrote a new pass.	...	
4th witness Syed Usein.	do.	The *Shroff took out* from a bag that was with the chittah a chit, and gave it to the Superintendent, who wrote a line or *something on it.*	Two blank chits were taken from the chittahs, and were given to the Superintendent who wrote something—what he wrote I don't know.	...	
1st witness Deputy Constable Veerabathra Pundaram.	8 As to who ordered ink-bottle to be brought for writing the 2nd pass.	Superintendent ordered a salt peon to bring an ink-bottle and it was accordingly done.	Says nothing about the ink-bottle.	Says nothing about the ink-bottle.	Ink-bottle is necessary to write the 2nd pass. The contradictions in the statements of these witnesses are conclusive to prove that the evidence on this point is false.
2nd witness Kasava Row.	do	Under the order of the Shroff a cooly brought the ink-bottle from the platform.	do	..	

Analysis of Evidence showing discrepancies and contradictions in the depositions of the witnesses held before the three officers, &c.—(continued.)

Name and No. of witnesses.	Point or subject.	Before Head Assistant Magistrate upon oath.	Before Mr. Thomas, Dy. Collector and Dy. Magistrate, upon oath.	Before Merakanam Sub-Magistrate upon oath.	Remark.
3rd witness Perumal.	As to who ordered ink-bottle to be brought for writing the 2nd pass.	Says nothing on this point.	Says nothing about the ink-bottle.	...	
4th witness Syed Usein.	do	The Superintendent and the Shroff ordered their servants to bring an ink-bottle from the platform.	do.	...	
	9				
1st witness, Deputy Constable Veerabathra Pundaram.	As to the objection made by the Police when the 2nd Pass was written.	Says the Superintendent put the pen into the ink-bottle and wrote something on the Pass he had in his hand. Superintendent afterwards asked him (1st witness) to give the pass he had; but he (Deputy) refused, saying he was not to write anything, and threw the ink-bottle away.	Says he did not stop the Superintendent from writing the 2nd pass—he thought let the Superintendent write the 2nd pass and give it to him (1st witness). He (1st witness) prevented the Superintendent from writing the chittah in the bandy.	Says nothing on the point.	This point is of much *importance* and demands serious consideration, as the contradictions between *the* statements of the 1st and 2nd witnesses are very great and *striking*.
2nd witness, Kasava Row.	do.	Superintendent put his pen into the ink-bottle. Deputy Constable (1st witness) sezied the bottle and threw is away. Nothing is said about preventing the writing of the 2nd pass or the chittah.	1st Witness (Deputy Constable) tried to prevent the Superintendent from writing a 2nd pass, but could not as he finished too soon Says nothing else.		
3rd witness, Perumal.	do.	Says nothing on the point.	Says nothing on the point.	...	
4th witness, Syed Usein.	do.	Superintendent put his pen into the bottle, and *wrote something on* a chit. He also proceeded to write the Chittah, but did not do so. The Deputy Constable took the ink-bottle away. Says nothing about the objections to write out the 2nd pass and the Chittah.	Says nothing about preventing the writing of the 2nd pass; but states the Deputy Constable prevented the Superintendent from writing the Chittah by taking away the ink-bottle.	...	
	10				
1st witness, Deputy Constable Veerabathra Pundaram.	About the offering of bribe.	Superintendent offered me 500 Rupees out of Government money which was with him. At that time second witness (No. 1,001), and 4th witness (No. 679) were present.	Superintendent offered me 500 Rupees. This was known to the two Constables No. 1001 and 679, (2nd and 4th witnesses) who were with me at that time.	Superintendent offered me 500 Rupees, and I did not consent to it.	These apparent contradictions and discrepancies in the statements of *these witnesses* are conclusive to prove the innocence of the Superintendent who was no party or had no part in the alleged false charge against him; and the witnesses had all given throughout false evidence *in the matter.* Why *these contradictions* were not at all taken into consideration by the Head Assistant Magistrate is a question, the solution of which, is left to the reader of these proceedings.
2nd witness, Kasava Row.	do.	Superintendent offered 300 Rupees and the Shroff 200 Rupees. At this time, I, Deputy Constable (1st witness), and the Constable 679 (4th witness) were present.	Same statement as before the Head Assistant Magistrate.	...	
3rd witness, Perumal.	do.	Says nothing on this point.	Says nothing on this point.	...	

Analysis of Evidence showing discrepancies and contradictions in the depositions of the witnesses held before the three officers, &c.—(continued.)

Name and No. of witnesses.	Point or subject.	Before Head Assistant Magistrate upon oath.	Before Mr. Thomas Deputy Collector and Deputy Magistrate upon oath.	Before Merakanam Sub-Magistrate upon oath.	Remark.
4th witness, Syed Usein.	About the offering of bribe.	The Shroff offered each of us 20 Rupees. At this time there were two Constables and the Dy. Constable present. I did not hear the Superintendent offering any bribe to the Dy. Constable (the 1st witness) who was with me following the bandy.	The Shroff offered each of us 20 Rupees namely, myself, Kasava Row, and the Dy. Constable. I did not hear the Superintendent offering any bribe to the Dy. Constable who was the first witness.	...	
	11				
1st witness Dy. Constable Veerabathra Pundaram.	Under whose order the Chittahs and the money bags were taken to the Police Station	Superintendent ordered his Mashalchi (Munian) and a peon whose name was unknown to take the Chittahs and the money bags to the Station Deputy Constable, and it was accordingly done.	Same as before the Head Assistant Magistrate save the peon whose name was unknown.	Same as before Mr. Thomas, Deputy Magistrate.	These contradictions in the statements of the witnesses are also worthy for consideration. Mashalchi (Munian) has stated in his deposition before Mr. Thomas, that he never went to the Superintendent's house after he (Supt) returned from the sale, and that he was ordered by the Deputy Constable to take the Money bags to the Police station. Munian's deposition is on the proceedings of Mr. Thomas.
2nd witness Kasava Row.	do.	Under the order of the Deputy Constable (the first witness), Mashalchi (Munian) took the money bags and the Chittahs to the Police Station.	Same as before the Head Assistant Magistrate with the omission of the Chittah.	...	
3rd witness Perumal.	do.	Silent.	Silent.	...	
4th witness Syed Usein.	do.	Superintendent orderd his Mashalchi (Munian) to go with the Police taking the money bags.	Same as before the Head Assistant Magistrate.	...	
	12				
1st witness Depy. Constable Veerabathra Pundaram.	At what place the Chittahs were taken from the Superintendent.	Says he took the Chittahs from the Superintendent at his house.	In the deposition given on the 3rd July last, says as stated before the Head Assistant Magistrate: but in the deposition taken on the 6th July last, states he seized the Chittahs from the Superintendent at the Pans.	Same as before the Head Assistant Magistrate.	Though the 2nd, 3rd and 4th witnesses did not differ from each other in their statements on this point, the first witness has contradicted his previous statement on the same. This is also important for consideration.
2nd, 3rd and 4th witnesses.	do.	Say that Deputy Constable took the Chittahs from the Superintendent at his house.	Same as before the Head Assistant Magistrate.	...	

Note.—There are several other points on which the witnesses have given contradictory statements. All of them have not been noted down in this statement, as those now particularized are quite sufficient and conclusive to prove that the Superintendent was thoroughly innocent of the alleged charge, and that he took no part whatever in it. The Superintendent was not responsible for the irregularity of the Shroff for not entering in his Chittah, the 2nd pass and 2nd receipt.

R

Proceedings of the High Court of Judicature at Madras, 17th May 1867.

Read letter dated the 3rd Ultimo from the Chief Secretary to Government, transmitting for the consideration of the High Court and for such notice as they may deem called for, copy of the Proceedings of Government, Revenue Department, in which are recorded among other papers, the Proceedings of the Sessions Court of Cuddalore, upon a Petition presented to that Court appealing against certain sentences passed by the Acting Head Assistant Magistrate of South Arcot.

1. The High Court are of opinion that the Acting Head Assistant Magistrate of South Arcot acted wrongly in not permitting the first prisoner's counsel in the case brought to the Judges' notice, to cross-examine the witnesses for the prosecution before the case for the prosecution was closed.

2. The effect of Section 249 is to import into the preliminary examination the rules enjoined in Chapter XII for the examination of witnesses. They are therefore to be examined in the presence of the accused, who is to be permitted to cross-examine them. Then, if on that examination the Magistrate considers it necessary to frame a charge, the accused is to have the right by Section 252 in aid of his defence, of re-calling and further cross-examining the witnesses for the prosecution.

(True Extract)

(Signed) J. H. NELSON,
Acting Registrar.

S

Proceedings of the Sessions Court of Cuddalore, dated 20th September 1866.

Read Calendar in Case No. 52 of 1866, before the Acting Head Assistant Magistrate.

Read also records in the above case.

Read also Petitions presented by T. Chellapa Pillay and Janakeram Puntaloo, Vakeels on behalf of the prisoners in the case.

1. These are appeals from the sentence of the Acting Head Assistant Magistrate, convicting the second prisoner of attempting to commit criminal breach of trust, and the first prisoner of abetting the second prisoner in the said attempt.

2. Certain technical objections to the conviction of the first prisoner were taken "in limine" by his Pleader; They were—

First, that the indictment was defective in not specifying the Section of the Penal Code, under which the offence, the commission of which is alleged to have been abetted, fell.

Secondly, that the offence, the commission of which the first prisoner is said to have abetted, had not been established; and

Thirdly, that the first prisoner's Counsel before the Acting Head Assistant Magistrate was not allowed to cross-examine the witnesses for the prosecution.

3. A consideration of the very comprehensive indictment in the Calendar is, the Court is of opinion, a sufficient reply to the first objection; the second is disposed of by explanation 2, appended to Section 108 of the Penal Code; and the third, the Pleader for the first prisoner before the Session Court has qualified by stating that the prisoner's Counsel, before the Acting Head Assistant Magistrate, was not *prevented from cross-examining the witnesses altogether*, but that he was not allowed to do so, until the case for the prosecution had been closed. As the Acting Head Assistant Magistrate in conducting this case appears to have followed the course prescribed in Section 252 of the Code of Criminal Procedure, the Court is of opinion that this last is not a valid objection.

4. Before proceeding to consider the facts of the case, it is necessary to notice the course laid down in the Salt Manual, in regard to the sale of Salt (the first prisoner being the Salt Superintendent, and the second the Shroff); this is contained in paragraphs 27 and 28 of the Manual, page 32. "Parties desirous of purchasing Salt shall pay the price to the Shroff, *who, after entering it in his Chittah* with the necessary particulars, shall "grant them a receipt which should be attested with the signature of the Shroff, and *made over to the pur-* "*chasers*;" this receipt should then be produced to the officer conducting the sale; on the production of this receipt, the salt is ordered to be weighed out to the purchaser, to whom a Pass is then delivered specifying his name, the amount of Salt sold, its cost, and the number of bandies in which it is being conveyed; on presentation of this Pass to the Police on guard at the Salt depôt, the Salt thus purchased is allowed to leave the platforms. The above is a brief abstract of the *proper* course to be followed in connection with the sale of Salt.

5. So far as may be gathered from the records in the case, the following are the facts elicited by the evidence:—

On the 28th June last, Salt was being sold at the Mercanum Salt pans; the first witness, a Deputy Constable, was on duty at the Salt platform; having on the two preceding days noticed grave irregularities amounting, in his opinion, to actual fraud, he determined to watch narrowly this day's proceedings, and instructed the second and third witnesses (Police Constables also on duty at the platform) to remain near the Shroff, while the purchasers paid their money for the Salt, and to note the amount each purchaser paid for, while the first witness would remain where the Salt was being weighed out.

6. These precautionary arrangements made, the proceedings of the day as remarked by the Acting Head Assistant Magistrate in his summary of the evidence commenced; (as the summary referred to contains what the Court is of opinion is a correct account of what took place a repetition is not necessary). It is sufficient to state, that finally a Pass (document A) for maunds 577 of Salt, after being signed by the Salt Superintendent, was given to the Shroff, and by him to the Deputy Constable (first witness). The Shroff then left, taking with him the Chittahs, while a Peon (first witness for the defence) carried the money collected contained in two bags.

7. Inasmuch as the amount entered in the Pass did not tally with the account kept by the second witness, the first prisoner was informed thereof by the first witness, who insisted on counting the proceeds of the day's sale; according to this witness' evidence, the first prisoner at first objected to this, but ultimately having consented, the Shroff was recalled, and was observed to be carrying a small bundle under his arm.

8. From the evidence for the prosecution, the inference has been drawn that the Shroff, second prisoner, endeavoured to give this bundle to the first prisoner in such a manner as to escape the notice of the Deputy Constable, and that the first prisoner connived at this endeavour. The bundle, after some contest between the first witness and first prisoner, was put into one of the money bags; the money in the larger bag counted and found to amount to 819 Rupees, the bundle was then untied, a Rupee taken from it, and added to the sum of Rupees 819; (later in his deposition this witness says 6 Annas was also taken from the bundle by the Shroff and Superintendent;) but the evidence on this point is not very clear, as to whether this was the joint act of one or of both the prisoners.

9. The Superintendent, first prisoner, then proceeded to examine the Chittahs, (Clerk's and Shroff's,) and in both the sale of 577 maunds only was found to have been entered. The Shroff, second prisoner, on being called upon for explanation, stated that it was a mistake, and begged that he might be pardoned. The Superintendent is then stated to have requested the Police to desist from pressing the matter, and to have asked the Deputy Constable for the Pass first given. He then, it is said, took two blank papers from a cover which, the witness says, were a Receipt and a Pass, and proceeded to write something on the Pass; the Deputy Constable insisted on nothing more being written, and took away the ink bottle.

10. The second witness' account of this part of the transaction differs from that of the first, and in an important point, for, he states that the *Shroff, second prisoner, took from out of a bag* in which were Passes and Receipts, *a Pass and a Receipt*, which he handed to the first prisoner, who wrote something in the Pass, and asked the Deputy Constable to return the Pass already given, which he (Deputy Constable) refused.

11. A report of what had occurred was then sent to the Police station; all parties left the salt platform; the Chittahs, Passes, Receipts, and money were finally impounded by the Police, and produced before the Sub-Magistrate of Merkanum. On their way from the platform it is alleged that the Superintendent, first prisoner, and the Shroff offered bribes to the Police to hush up the matter, though all the three witnesses who speak to this differ as to the amount offered.

12. Amongst the documents in the record are A., B., C., D., and E.; A. is a pass for 577 maunds, signed by the first prisoner; B. is a Receipt signed by the Shroff, showing the amount of salt sold, and its value; C. is a Pass for 50 maunds of salt, signed by the first prisoner; and D. is a Receipt similar in its nature to B., but for 50 maunds of salt with its value. Both C. and D. containing the name of Kadar Sahib as the purchaser of the salt. E. is a pencil memorandum, kept by the second witness in obedience to the instructions of the first; it contains the names of the parties who that day paid money to the Shroff for salt. These parties according to E. were ten in number; the Pass, Receipt, and Memorandum, Documents A., B., and E. are subjoined; that is so much of each of them, as contains the names of the parties to whom salt is said to have been sold.

A.

		Mds.
1.	Ausoor Mooroogapah Nynar	63
2.	Treudlore Rungapah Odyan	87
3.	Manapady Mookoo Pillay	171
4.	Mangalore Naraina Pillay	112
5.	Poodoopaliem Veerapah Chetty	142
6.	Areamootoo Padiachy	1
7.	Appavoo Chetty	1
		577

B.

	Mds.	R.	A.
Ausoor Mooroozapah Nynar	63	106	5
Treudlore Rungapah Odyan	87	146	13
Manapady Mookoo Pillay...	171	288	9
Mangalore Naraina Pillay...	112	189	0
Poodoopaliem Veerapah Chetty	142	239	10
Areamootoo Padiachy	1	1	11
Appavoo Chetty	1	1	11
	577	973	11

E.

		Mds.
1.	Mooroogapah Nynar	35
2.	Kader Sahib	78
3.	Rungapah Odyan	52
4.	Mookoo Pillay	171
5.	Ramasamy Goundeu	35
6.	Naraina Pillay	36
7.	Thatha Naik	76
8.	Veerapah Chetty	142
9.	Areamootoo Padiachy...	1
10.	Appavoo Chetty	1
		627

13. The Court does not hesitate to accept E. as the correct account of the day's sale; indeed, this may be said to be admitted by the first and second prisoners, from the fact of the preparation of the second Pass and second Receipt for 50 maunds of salt; the amount according to the Memorandum E. was 627, which is just 50 maunds in excess of the quantity entered in the Pass A., the Receipt B., and the Shroff's and Clerk's Chittahs L. and K. The Pass C. is in the name of *Kader Saib*, and the Receipt D. corresponds thereto; the entry therein is to the effect that he had purchased 50 maunds of salt at a cost of Rupees 84-6-0 (the actual cost of 50 maunds). Kader Saib's name is also in the Memorandum E., but the quantity of salt sold, opposite to his name, is entered as 78 maunds.

14. A reference is made in the first witness' deposition to a piece of country paper, which the Shroff is said to have taken to the Superintendent, first prisoner, on receipt of which the first prisoner called out the names of the purchasers and the quantity of salt to be weighed out; whether this is document B. or not does not appear quite clear, but the Court does not consider this a matter of material importance, nor is it to be gathered satisfactorily when the Shroff, second prisoner, prepared the Clerk's and Shroff's Chittahs; both, however, were prepared by him, and this is accounted for by the prisoners' Pleaders who assert that the rest of the office were employed in making up the monthly accounts.

15. As the first prisoner is charged with abetting an attempt made by the second prisoner, it will be more convenient to dispose of second prisoner's appeal first.

16. It is evident from the deposition of the sixth witness, the Deputy Collector in immediate charge of the Salt Department, and from the perusal of the rules contained in the Salt Manual, that the course taken by the second prisoner was in the first instance grossly irregular and in fact a total violation of the rules laid down. His Chittahs, that is to say, the Clerk's and Shroff's Chittahs, Receipt, and Pass, all written by himself, set out that only 577 maunds were sold; that a figure or so might have been erroneously entered or omitted the Court can understand, but that the omission of the name of Kader Saib, and the quantity afterwards said to have been purchased by him should be omitted in *toto* the Court cannot be brought to admit; but the Court is also unable to admit that the Pass C. and Receipt D. actually represented the quantity sold to Kader Saib, and looks upon the Memorandum E. as the true account of the day's sales, and that A., B., K., L., do not correctly represent the day's transaction.

17. The Pass C. and the Receipt D. are, as has been proved, not in the hand-writing of the first prisoner, but are only signed by him. These, the Court is led to conclude, were prepared at some time of the day, by the second prisoner, to be produced as occasion might require, and the Pass was made to correspond with the amount that the second prisoner had determined upon misappropriating. But for the praiseworthy vigilance of the Deputy Constable, first witness, aided by the intelligence of the second witness, the Court is of opinion that this misappropriation would certainly have taken place, that the attempt was made, the Court after giving the prisoner's case a close and careful attention, considers to have been proved.

18. The Court will now proceed to deal with the case of the first prisoner. He certainly can plead no ignorance of the rules in force, in regard to the procedure to be observed in the sale of Salt; and if the second prisoner's conduct was in the first instance grossly irregular and a violation of the rules, the first prisoner's conduct gave it the sanction of superior authority. This sanction of irregularity has certainly raised a grave suspicion of the prisoner's complicity in the second prisoner's guilty attempt, and had the Court been satisfied that the preparation of the Pass and Receipt for the 50 maunds of Salt originated with the first prisoner, the Court would have formed a strong presumption of the prisoner's guilt; but though holding this view the Court is not able to concur with the Acting Head Assistant Magistrate, that the evidence for the prosecution satisfactorily *established the abetment* by the first prisoner of the attempt by the second; there is the possibility, that though it may be said conniving at irregularities he did not go so far as to connive at, or abet, the attempted fraud, and the evidence appears to the Court to fall short of this proof; the acts of the prisoner after the re-call of the Shroff are compatible with an ignorance of the Shroff's attempt to misappropriate the Government money, though they are certainly not those of an upright public servant, whose duty it was to safeguard the interests committed to his charge.

19. The Court, therefore, while giving to the Acting Head Assistant Magistrate full credit for an investigation, which, so far as can be gathered from the records, displays much care and attention, is constrained to differ in opinion with him as to the first prisoner's guilt, and considering the same not to have been proved, resolves to annul the conviction from which he has appealed.

20. For the reasons stated in paragraphs 15 and 16, the Court affirms the conviction of the second prisoner, who is accordingly remanded to jail, to undergo the remaining portion of his imprisonment. The recognizances entered into by both prisoners are discharged.

Ordered that extract from these Proceedings be sent to the Magistrate and Acting Head Assistant Magistrate, South Arcot, for information, and that the records be returned to the latter officer.

(A true Extract.)

(Signed) G. ELLIS,
Session Judge.

To the Magistrate of South Arcot.

(True Copy.)

(Signed) C. W. READE,
Magistrate,

T

	Maunds.
1. Moorogapa Nynar	35
2. Kader Saib	78
3. Rangapah Odyan	52
4. Moosoo Pillay	171
5. Ramsamy Goundon	35
6. Narrain Pillay	36
7. Thoda Naik	76
8. Veerapah Chetty	142
9. Arumooton Padachy	1
10. Appoo Chetty	1
	Carts
	627—48

28th June 1866.

(Signed) VEERABADRA IYEN,
Deputy Constable.

(True Translation)

U

No. 100.

Proceedings of the Board of Revenue, *dated 8th January* 1867.

Read again Government Order, dated 7th August 1866, No. 1,938, Revenue Department.
Do. do. 3rd September ,, ,, 2,315, do.
Do. do. 4th October ,, ,, 2,650, do.
Do. do. 8th November ,, ,, 3,044, do.

Read also the following letter from C. W. READE, Esq., Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 3rd December 1866, No. 250:—

As requested in the Proceedings of the Board, dated 30th ultimo, No. 7,851, I have the honor to forward, as per List,* the whole of the records in the case of the late Salt Superintendent and Shroff of Mercanum, tried by my Head Assistant.

* From my Head Assistant.

Read also Petition from C. BASHICA CHARLOO, dated 5th December 1866, No. 4,387.

1. Ordered that the foregoing letter from the Collector of South Arcot, with its enclosures, be submitted to Government, with reference to the previous correspondence above cited.

2. In the Government Order of 7th August 1866, Mr. Reade was directed to submit a full report on the case of embezzlement of Government salt at Mercanum, therein referred to, together with the record of the case and information as to the antecedents of the defendants.

3. The latter information was submitted with the letter recorded in Government Order, dated 4th October 1866. The record of the Sessions Court's proceedings was submitted with the letter recorded in Government Order of 8th November. The record of the proceedings before the Head Assistant Magistrate accompanies the present letter.

4. Mr. Reade in his letters of 7th September and 1st October has observed that he has his "own views" on the trial and its result before the Head Assistant, "and that there are reasons which seem to support the conclusion at which he has arrived that Bashica Charloo was guilty rather of great negligence than of criminal connivance at the offence attempted by the Shroff;" but he has not fully stated these views, or the reasons which induced him to adopt them, nor has he furnished the full report on the case desired by Government.

5. The Board regret that they are unable to concur in the general opinion which the Collector has expressed on the case, as it affects Bashica Charloo.

6. The Proceedings of the Sessions Court of Cuddalore, dated 20th September 1866, contain a full and clear *resumé* of the facts of the case, and are printed at foot of these Proceedings for facility of reference.

7. Briefly it may be stated here that the Shroff at Mercanum was charged with attempting to defraud Government of the sale proceeds of certain salt, amounting to Rupees 84-6-0 or thereabouts, and that Bashica Charloo, the Superintendent of the salt pans, was charged with abetting the Shroff's offence; that both were found guilty by the Head Assistant Magistrate, and sentenced to imprisonment for nine and fifteen months, respectively; and that on appeal the Sessions Judge affirmed the conviction of the Shroff, but annulled that of the Salt Superintendent, on the ground that though he had sanctioned and connived at irregularities, and thereby raised against himself grave suspicion of complicity in the Shroff's guilty attempt, the evidence was insufficient to establish connivance at, or abetment of, the attempted fraud. "The acts of the prisoner after the recall "of the Shroff are compatible with an ignorance of the Shroff's attempt to misappropriate the Government "money, though they are certainly not those of an upright public servant, whose duty it was to safeguard the "interests committed to his charge."

8. The rules for the guidance of salt servants prescribe that—

"Parties desirous of purchasing salt shall pay the price to the Shroff, who, after entering it in his Chittah "with the necessary particulars, shall grant them a receipt." "The entries of the receipt will be filled up with "reference to the Chittah. The receipt shall then be attested with the signature of the Shroff and made over to "the purchasers. This receipt shall be produced to the Officer conducting the sale. After the salt is measured "and delivered, the receipt shall be forwarded to the Huzur by each day's post. The account sale of salt shall "be kept by the Navisendar, who, on the production of the receipt described in the previous paragraph, shall "make the necessary entries in this account, and then deliver the quantity to the receipt holder."

9. The suspicions of the Police had been roused by *irregularities* which had been observed, and on 28th June, they made *arrangements* for bringing the matter to a definite issue, and the course of events appears to have been as follows:—The Shroff noted down on a *piece of loose* paper the names of the intending purchasers, and the amount *paid* by each, instead of entering them at once in his Chittah, as required by the rules, and gave this paper to the Superintendent who, with reference *to it*, ordered the salt to be weighed out, and delivered to the parties. *The* Police had arranged to record the quantities delivered. The sales *closed at 4* P. M., and the Shroff, then took back the paper from the Super*intendent* and proceeded to prepare the Chittah, Receipt, and Pass, *which were taken* to the Superintendent to be signed. The Pass was made over *to the Police*, who found that it covered only 577 maunds of salt, while *their* notes showed that 627 maunds had been delivered, the *difference* being 50 maunds of salt of the value, at the monopoly price, of Rupees *84-6-0*, at Rupees 1-11-0 per maund.

10. The Shroff, *meanwhile*, was leaving the place of sale with the money that had been paid, and the Chittah and Receipt, when the Police called on the Super*intendent to* investigate the discrepancy which they had detected. The *Shroff* was *recalled*. The money and Chittahs were examined, and it was found that only 577 maunds were entered in the Chittah and in the *Receipt, corresponding* with the quantity entered in the Pass, while the *amount* of money corresponded with the price of 627 maunds, of which the *price* of 50 maunds, or Rupees 84-6-0, had been placed in *a* separate bag.

11. It was clear that an elaborate fraud, which would have *robbed* the Government of the price of 50 maunds of salt, had been detected; and there is no reason to doubt, that this attempt was merely *one of many* which had proved successful.

12. The Superintendent's conduct after the detection, as detailed by the Police, was a prolonged effort to shield the Shroff, while admitting the grossly *fraudulent* irregularity to have been committed. He endeavored to induce the Police to receive a second Pass for the additional 50 maunds. *He attempted to* withdraw the Chittahs which evidenced the fraud. He *offered the* Police money, if they would consent to hush the *matter up*. He *complained* to the Deputy Collector in charge of the salt, as to the *interference* of the Police, and their attempt to convert into a criminal offence what was merely a clerical error. In short, as stated in the *Proceedings* of the Sessions Court, his conduct was anything but that of an honest *public* servant, anxious to guard the interests committed to his charge.

13. The case was forthwith brought by the Police *under* the investigation of the Sub-Magistarte on the spot; was in due *course* reported to the Magistrate, and by him was referred to the *Head* Assistant Magistrate for inquiry with the result already stated.

14. *It* is unnecessary for the Board to make any comments on the *case* as it affects the Shroff, who has been clearly convicted and sentenced.

15. In regard to the Superintendent it is to be *observed* that his neglect to enforce strict observance of the rules which gave the *opportunity* for this fraud was in itself a most serious dereliction *of* duty; and as the breach of rules was evidently systematic, it is not to be *credited* that he failed to perceive the facilities which it afforded for peculation and *embezzlement* of public revenue. The Board agree in opinion *with* the Court that there is no direct proof of complicity before the fact on the *part of the* Superintendent; but they conceive that it was incumbent on the *Superintendent* to rebut the strong presumption of connivance which *rested* on him from his neglect to enforce adherence to that course of *proceeding* which was laid down to prevent fraud. Had he *required* the completion *of the* Chittah before beginning the deliveries, the fraud could *not have* been perpetrated in the manner it was, and his neglect appears to the *Board* to be proof of connivance, unless he could show the *contrary*, which he has *not done*. The other circumstances of the case strengthen the *suspicion* against him, and the Board are decidedly of opinion that he is *unworthy to be* retained in the public service.

(A true Copy and Extract).

(Signed) W. HUDLESTON,
Secretary.

V

No. 339.

Government Order, 20th March, 1867, No. 668.

Miscellaneous.

1. The Governor in Council has carefully considered the papers submitted by the Board of Revenue with these *Proceedings*, and the arguments adduced by Bashica Charloo in *petitions* Nos. 199 A. and 364 of 1867.

2. He considers it proved beyond doubt that Vasoodava Pillai was detected by the Police in the *act of defrauding Government*, and that the conduct of Bashica Charloo shewed a *deliberate* attempt to screen him from punishment.

3. *He* accordingly resolves to prohibit the re-*employment* of Bashica Charloo and Vasoodava Pillay in any department of the public service.

4. The Government observe that Bashica Charloo complains of the refusal of the *Head Assistant Magistrate*, who tried the case, to allow him to cross-examine the witnesses against him until after the case for the prosecution had been closed and that for the defence opened. This procedure was *approved* by the appellate Court, which considered that it was sanctioned by Section 252 of the Procedure Code, but the Governor in Council considers it open to question, and the point is referred for consideration *in the* Judicial Department.

(True Extract).

(Signed) W. HUDLESTON,
Secretary to Government.

W.

NOTIFICATION.

Fort Saint George March 20th 1867.

His Excellency the Governor in Council directs that the undermentioned servants on the establishment of the Collector of South Arcot who have been dismissed from their *situations* for embezzling Government salt be not re-employed in the Public Service in any capacity whatever.

C. BASHICA CHARLOO.
VASOODAVA PILLAY.

By order of His Excellency the Governor in Council.

(Signed) W. HUDLESTON,
Secretary to Government.

X.

No. 991 and 1003 of 1867.

The Government regret that the notification to which the Memorialist refers was wrongly worded. It has been amended and a revised notification issued. The arguments adduced in this petition have already been fully considered, and the Government decline to allow the case to be re-opened.

By order.

FORT SAINT GEORGE, *29th April* 1867.

(Signed.) J. GROSE,
Under Secretary to Government.

Y

NOTIFICATION.

Fort Saint George April 16th 1867.

The notification dated Fort Saint George March 20th 1867 and published at page 637 of the Fort Saint George Gazette for the 22nd March is hereby cancelled and the following Notification is published in substitution thereof.

His Excellency the Governor in Council directs that the undermentioned servants on the establishment of Collector of South Arcot who have been dismissed from their situations be not again employed in the public service. C. Bashica Charloo, late Salt Superintendent of Merakanum, guilty of deliberate attempt to screen from punishment an individual detected in the act of defrauding Government.

Vasoodava Pillay late Shroff at Merakanum guilty of defrauding Government.

By order of His Excellency the Governor in Council.

(*Signed*) W. HUDLESTON,
Secretary to Government.

Z

CIRCULAR ORDER, No. XLIV of 1866.

STANDING No. $\frac{301}{1}$

Proceedings of the Board of Revenue, dated 6th December 1866, *No.* 8,686.

Government Order, 29th October 1866, No. 395.

1. On a reference made by the Accountant General to Government, it has been ruled, that, when an Officer *is acquitted of an offence* by a Court of competent jurisdiction, he is entitled to re-instatement provided the acquittal is *bonâ fide* on the merits of the case, and not in consequence of a *mere technicality*, a legal flaw in the evidence, collusion with the witnesses, or some similar circumstance.

2. That in cases in which, notwithstanding a full acquittal, the re-instatement of the officer is inexpedient or the infliction of some punishment, such as a fine or suspension is necessary, in consequence of some neglect or minor dereliction of duty brought to light during the inquiry, the matter *should* be *referred* for the special orders of the controlling authority of the department.

* * *

(A True Extract).

(Signed) W. HUDLESTON.

Z 1

Copies of Testimonials granted to Bashica Charloo.

Bashica Chari was *appointed* second clerk in the Income Tax Office on *the* 1st January last. He is a high school pupil and has passed first class standards in English and Tamil. During the month *when* I was acting for the Collector I had opportunities of over-looking his work. He acquitted himself to my great satisfaction exhibiting zeal and industry.

16th March 1861.

(Signed) J. R. COCKERELL,
Acting Collector.

Bashica Charloo.

While the *office* you now hold continues, you must remain in it and there is no fear, I fear, *of* the Income Tax ceasing with this year. If it do you need be under no apprehension for your future. You have rendered good service in your present post and I will *provide* for you before or when it is vacated and by continuing in the path you *are now treading*, I have no doubt you will always *maintain* your proper position in the public service and as first observed you need be under no alarm as to your future of which while here I will take care of.

6th December 1864.

(Signed) C. W. READE,
Collector.

Extract from the list of persons eligible for the post of Tasildars.

Bashica Charloo.

The experience *in* the public service which this officer *has hitherto* had does not in the Collector's opinion at present qualify him for the post of *Tasildar. Still* he has passed all the requisite *examinations* and the use he has made *of the* education given to him combined with his *natural abilities* give him a just claim to be mentioned in this list. He is a younger *brother* of Tirumala Chari No. 7 and he is only *wanting* experience to render him fitted for almost any office of high trust and responsibility. His passed service has been altogether *in the* Income Tax Department of which he is now the sole managing clerk. His duties have been always well done and the *Collector* considers him a Public servant of *considerable* promise. Knows Tamil and Telugu and possesses a more than ordinary know*ledge of the* English language in which he has *passed* several examinations. Habits active mentally and character good.

(Signed) C. W. READE,
Collector.

No. 343.

Office Order.

The *Head* Vernacular Clerk having returned to his *duties* on the expiration of his leave, he will *at* once resume his office. During *the three* months' absence of the Head Vernacular *clerk*, the Income Tax clerk Bashica Charloo has done all the work of the Head *Moonishee* in addition to his own duties in the *Income Tax* Department, and the *Collector* has much pleasure in recording his unqualified *approval* and satisfaction at the able and attentive manner in which the responsible and *onerous* labors of the Head Clerk's place have *been* performed by Bashica Charloo who has fully confirmed the high opinion the Collector had formed of him as an able, energetic and industrious Public Servant.

3rd April 1865

(Signed) C. W. READE,
Collector.

Extract *from the* Collector's letter *to the* Board of Revenue, *dated 28th* March 1866.

No. 59.

Para 2. In the month of December 1865 the post of Salt *Superintendent* at Merkanam became vacant. There were no qualified persons for *the* post who were unemployed except one *a* junior clerk in the account Department who had *passed the* Salt Special Test; but his youth and inexperience for the important vacancy to which is attached a salary of Rs. 120 appeared *to* me to preclude his nomination, and I accord*ingly* gave the appointment to one Bashica Charloo who was then without employ, *but who* had been the Income Tax Clerk of the *District* for 4 years on 70 Rs, and who *possessed* every other qualification requisite *for* the office.

Para 5. I beg to add that Bashica Charloo has fully realized my expectation of his fitness *for the* office of Superintendent and if he cannot be continued in it, I shall have the greatest difficulties in supplying his place, and the alternative may be the appointment of Young Clerk Varathiah whom I have already mentioned.

Para 6. The Salt *Situations* are never coveted and Bashica Charloo did not wish to go to Merkanam but I trust that as he is now there and has done *his* duty so efficiently he may be confirmed *unless* the recent Government orders *quoted* by the Deputy Accountant General leave *no discretion* on the subject.

(Signed) C. W. READE,
Collector.

Particulars of Examinations passed by Bashica Charloo.

1st. Standard English Department, Vide Supplement to the Fort Saint George Gazette, dated 13th January 1859.

Matriculation Certificate, dated *18th March* 1859.

1st. or *highest Standard* Revenue Department for the *offices of* Deputy Collector, Deputy Magistrate, Tasildars, Talook Magistrates, Talook *Sheristadar*, and Sub Magistrate, *Vide 3rd* Supplement to Fort Saint *George Gazette*, dated 12th April 1861.

High Court Ministerial Servant, Vide Supplement to the Fort Saint George *Gazette*, dated 20th September 1864.

1027
Encl.

Rev. 2/1850/72

In No. 1027/72

1027
2
Incl.
72

[illegible]

visited with a degree of punishment totally out of all proportion to any offence of which the Government have pronounced him guilty.

[illegible] Attack of Bashcachalos [illegible] [illegible] [illegible] [illegible] can be arranged at [illegible] the one I have just expressed I am able to state from my personal knowledge as collector of the [illegible] [illegible] [illegible] who was Deputy [illegible] were marked [illegible] [illegible] all this [illegible] planned to [illegible] against him both at [illegible] [illegible] [illegible] to [illegible] any [illegible] from first to last we [illegible] the influence [illegible] several acts [illegible] the defence [illegible] [illegible] Bashcachalos [illegible] against [illegible] Government with [illegible] [illegible] a [illegible] [illegible] the which has [illegible] [illegible] [illegible] as they are necessary [illegible] the information [illegible] [illegible] [illegible] stated

stated in the enclosure any reasons, and no one can read it [illegible] without feeling that Bashcachalos has not been treated as [illegible] [illegible] wanting [illegible] to [illegible] the [illegible] of the [illegible]

It is true as stated by Bashcachalos [illegible] that in 18[illegible] [illegible] [illegible] him of the Government [illegible] [illegible] the [illegible] with [illegible] Lord [illegible] [illegible] of the [illegible] all the various [illegible] [illegible] Bashcachalos [illegible]

[illegible] the Memorial [illegible] the Secretary of State [illegible] [illegible] information [illegible] that the [illegible] [illegible] the [illegible] as it [illegible] by the [illegible] [illegible] all [illegible]

Bashcachalos

p. Buckenarles very notoriously [illegible]
Citizen to public Importance who have [illegible]
returned to the Service which [illegible]
time [illegible]
in their [illegible] it appears
actual imprisonment [illegible]
of Offences against the Civil Code while [illegible]
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by the highest Court of the [illegible] to have been
[illegible] not in [illegible]
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[illegible] him from [illegible] depriving him
of all chance of [illegible] in the public
Service have followed [illegible]
by a still [illegible] him
from [illegible]
ordered
[illegible]
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[illegible]
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Buckenarles [illegible]
the only [illegible]
[illegible]
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8. [illegible]
my

2)
my opinion Mr. Buchenarlos [illegible]
[illegible] the respectability of his family
and [illegible] of it who have [illegible]
[illegible] of the state after faithfully
[illegible] of [illegible] trust & responsi-
-bility and to every impartial mind it must
appear very hard if not cruel to debar a
man from earning an independent [illegible]
whose innocence [illegible] this moment I [illegible]
believe who has not a fair trial granted
him & who has been [illegible] by the
Court of Appeal & [illegible]
[illegible] that has been made by [illegible]
is that he attempted to [illegible] a [illegible]
who had committed a fraud in the State
Department under his management an accu-
-sation which forms no part of the original
charge against him and which seems to have
been an after thought in the absence of any
thing really more [illegible]
9. [illegible] of Bucke-
-nachalos [illegible] by Govern-
-ment otherwise [illegible] it would
of course have been [illegible]
not to [illegible] the [illegible]
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at

at the heart I have felt to be [illegible]

[illegible]

6th Aug 1874

Chaat Road

Civ Service Retired

[illegible]

myself

C 26/5

myself and tell him of my having done
so—

Revenue 1873 Sept.
No/1850

From
C. W. Reade Esq.
M.C.S. (Retired)

Dated 6th May
Recd 8th "

C2.

Ack 888 - 6 June 1873.

Submitting a letter addressed to him by C. Bastian Chalk, Late Sub-Supt in J. Dept requesting Govt to consider his case.

I would send Mr Reade's letter and its enclosure back to him with the intimation that his intervention in this matter is unasked & uncalled for - and the insinuations contained in his letter are most un-becoming - and unfounded. (The letter should be printed only in abstract.)

Bastian Chalk is of course at liberty to address Govt himself if he sees fit to do so. In that event I think some mitigation of the punishment might well be allowed we cannot return the Reade's letter to him. He as any other ~~[illegible]~~ person is at liberty to address the Govt. and as Mr Reade is no longer in the service of the Govt. we cannot require him [illegible] to convey [illegible] him. I would simply inform Mr Reade that the Govt. are not prepared to pass any orders on the letter addressed to him by Bashica Charlo & that if the latter desires to bring his case again under the consideration of Govt. he should do so direct. Mr Reade's letter should not be dealt with as a petition. It should be answered by proceedings or by a letter from the Secretary.

Revenue Department.
6 June 1872
No 888.

Copy sent to the Revenue [illegible] June 1872

To

C. W. Reade Esqre
Madras Civil Service (Retired).

Sir,

I am directed to acknowledge the receipt of your letter, dated 6th May 1872, and to inform you that the Govt. are not prepared to pass any orders on the letter from Bashica Charlo to your address herewith forwarded. ~~I am to add that~~ Bashica Charlo is at liberty to address Govt. direct

direct, if he is desirous of bringing his case again under their con-