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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	<u>963</u>	Press
B.P. No.		Mis.
Dated	<u>3-8-1874</u>	<u>496</u>

Not to be folded or roughly handled

963

*Proceedings of the Madras Government, Revenue Department,
3rd August 1874.*

No. 5. Read the following Proceedings of the Board of Revenue, dated 23rd July 1874.
No. 1,930:—

Read again the following papers:—

Board's Proceedings, dated 8th May 1874, No. 1,078.

Do. „ 13th „ „ „ 1,131.

Do. „ 19th „ „ „ 1,168.

Do. „ 17th June „ „ 1,486.

Do. „ 25th „ „ „ 1,587.

Read also the following letter from F. BRANDT, Esq., Acting Collector of Trichinopoly, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 30th June 1874, No. 150.

As promised in my letters to you, dated the 15th and 16th June 1874, Nos. 133 and 136, I have the honor to submit copies of my calendars in Cases Nos. 46 and 52 of 1874.

2. I think the facts are therein so fully (and I hope clearly) set forth, that it is unnecessary for me to say more here on those cases.

3. I also submit a copy of Mr. Moore's report, dated 20th May 1874, No. 272, any of the documents therein referred to (except those which form part of the records in the cases disposed of by me) can be sent to the Board if required.

4. I understand that Setu Rao intends appealing against my decisions to the Sessions Court. I shall be much surprised if either of them are reversed; but under no circumstances can I suppose it possible that Setu Rao will ever be again employed in the Public service.

5. The Board has been pleased in their Proceedings of the 17th June (before communicated by telegram) to leave it to my discretion as to prosecuting Setu Rao on other charges.

6. I am of opinion that, until the result of the appeal is known, and then not unless the appeal is decided in favor of the accused, it is not necessary that the other charges should be gone into.

7. The Board will observe that Setu Rao in the defence in each case stated that the whole charges had been got up against him by three persons, one of whom is the Revenue Inspector Syud Saffa Sahib, referred to in paragraph 14 of my letter of the 11th May last; another is Adikalani Pillai, a Clerk in the Taluq Catcherry; and the third, Manager of the Peramur Estate, a friend of the latter.

8. No attempt was made by the defence to prove this conspiracy, and I know nothing about it. I have, however, directed Deputy Collector Mahomed Esuf Sahib, now in charge of the Head-Assistant Collector's division, to make enquiries quietly and see if there are grounds for proceeding against the Revenue Inspector, who I heard, subsequently to the trial, has a house and means far beyond what is in keeping with his position and official emoluments.

9. I have a strong suspicion that disagreement between the late Tahsildar and this Revenue Inspector both led to some of the disclosures, and also that it was because the defence was afraid of still further disclosures if he were put into the box that they did not call him as a witness.

10. A few days before the trial, he sent me a long letter (copy of which is enclosed) showing that Adikalani Pillai had been dismissed from Government Service and ought not to be employed. Setu Rao had written direct to the officers in the Department of Public Works to get information from them as to this Adikalani's dismissal, and he also wrote direct to me, and not through his Divisional Officer. I sent the late Tahsildar's letter to Mr. Moore for report.

11. I refer to this to show:—

(1.) That the late Tahsildar brought out this card at the last moment, intending evidently to show that this man was at the bottom of the conspiracy, but he failed to make any use of it at the trial.

(2.) That enmity on Adikalani Pillai's part cannot have been the reason of the charges being brought, for either he did not know that Setu Rao either knew of his dismissal or intended to make it known, or he did know that Setu Rao knew his secret, and if so, he would naturally not run the risk of its coming to light by making an enemy of the Tahsildar. In fact, the whole case was concluded by Mr. Moore before the late Tahsildar sent in this information.

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3rd August 1874.*

12. I address the Board separately on the subject of this Adikalam Pillai's dismissal and re-employment.

13. Further enquiry is now being held under my orders in a case in which there has, almost without doubt, been some deception and dishonesty; it affects the Peramur Estate and must, in the interests of the Minor, be investigated; it is suspected that in this case also the Tahsildar has acted dishonestly; this is Case No. III, as numbered in my report of the 11th May last.

14. It seems that under a Will the testator devised to the person or persons named in the Will 12 karais out of the 37 karais owned by the Testator, in a village named Vellur; no extent was given in acres. An enquiry was held by the Tahsildar Setu Rao, who in his report spoke of the village as containing 10 karais, this being so, Acres 48.80 were given over to the devisee instead of Acres 50.57 which only would have been given had the "karais" been reported as really sixteen in number as it seems they are; by this means 12.88 in excess of what should have been given were given to the devisee and the Minor's estate is so much the poorer.

15. The way in which the misrepresentation (if such it proves to be) was made is as follows:—The village in question, Vellur is divided into two parts, called respectively Melur, Kilur. Roughly speaking, and because all the principal houses lie in, and the revenue business is transacted in Melur, the whole village is sometimes spoken of as Melur. In Melur proper there are it seems 11 karais and in Kilur 5 karais.

16. It could therefore be said with *verbal* truth that there were only 10 (or 11) karais in Melur.

The result of the enquiry now going on will no doubt be reported in due time, if it does not reach me while I am in charge of the district; as to the facts stated in paragraphs 14 and 15 there is evidence on record in the Minor.

17. It is hardly necessary for me to suggest that the sanction of Government be requested for Setu Rao's dismissal from the Public Service, with recommendation that he be declared ineligible in future for any public service.

18. It only remains for me to make proposals for filling up the vacancies which will be caused thereby.

To this I have been assisted by Mr. Pennington, whom I requested to express his wishes on the subject.

19. I propose the following:—

H. Kandassami Pillai, now Tahsildar and 3rd Class Magistrate, Udaiyarpoliyam Taluq, to be Tahsildar and 3rd Class Magistrate of Musiri Taluq.

A. N. Muttu Kumaraswamy Pillai, now Deputy Tahsildar and 3rd Class Magistrate at Lalgudi, to be Tahsildar and 3rd Class Magistrate of Udaiyarpoliyam Taluq.

Ramachandrarao, (late Head Clerk, Head Assistant Collector's Office,) to be Deputy Tahsildar and 3rd Class Magistrate at Lalgudi.

Ramanaswamy Ayengar, Deputy Tahsildar and 3rd Class Magistrate, Mannparai, to be Deputy Tahsildar and 3rd Class Magistrate at Tiruvur.

Vinayakam Pillai, Deputy Tahsildar and 3rd Class Magistrate at Kelapalay, to be Deputy Tahsildar and 3rd Class Magistrate at Mannparai.

20. Proposal will be made for filling up the vacant Sub-Magistrate's place at Kelapalay; as soon as I have had a reply from a person whom I think fit for the place.

21. It is very desirable that Musiri should no longer be left with only a Sheristadar in charge.

22. I also request leave for passing to Subramania Pillai, Taluq Sheristadar, who has been in charge of the Musiri Taluq since the 21st of May 1874, the date of Setu Rao's suspension, the usual deputation allowance.

23. It will be seen that under the now proposed arrangement, four out of the five Tahsildars in the district will be Pillais; but of them one is a Christian, and one of them only, Kandassami Pillai, is a native of this district; they are not, moreover, of the same caste of Pillai.

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3rd August 1874.*

24. I think it right to mention here the facts connected with the question put by the leading counsel for the defence by Mr. Moore. After a pause of some moments, and amid breathless silence in the Court, the counsel with an air assumed by Barristers when some very important revelation is about to be made, asked Mr. Moore if he was aware that there was a rumour to the effect that the accused (late Tahsildar) had charged him with taking a bribe in connection with these charges.

25. I was so utterly taken aback, I was so anxious as to the result, that I had not time to interpose, and demand to be shewn ground for putting such a question, before Mr. Moore, who answered immediately, and with no little indignation, had replied to the question, and insisted that he should be allowed to state the *wholes* of the facts connected with it.

He said he *had* heard of such a rumour; that he had been told that one day *after his inquiry was closed, and sent for disposal to the Collector and Magistrate*, Setu Rao had been heard by some one hanging about the Collector's room talking to Mr. Pennington, in Telugu, and saying that he believed Mr. Moore had taken a bribe; Mr. Moore further, of his own accord, gave the name of his informant, a Mr. Salisbury, a Pleader here; then in Court, asked if he had ever asked the Tahsildar if he had said such a thing, he replied by a query whether Mr. Miller supposed he would demean himself by speaking to Setu Rao on such a subject? He was then asked, whether he had ever asked Mr. Pennington if it had been said? He replied, I could not suppose that Mr. Pennington would have allowed such a thing to be said to him; or if it had been said that he would not have told me so, and given me the chance of taking notice of it.

26. The statement of the accused, in answer to the Court, showed abundantly (if that had been needed in addition) that he never had said such a thing nor put such a report in circulation.

27. If Mr. Miller had taken the trouble, and I think as a Barrister it was his bounden duty to have done so, to ascertain at what period this *alleged* charge was supposed to have been made, he would or should have found that it was after Mr. Moore had ceased to have the conduct of the enquiry in his hands. Therefore Mr. Miller's explanation (given after the expression of the Court's opinion in the summary of evidence), viz., that the question was put, not with the least idea of suggesting that Mr. Moore was guilty of having taken a bribe but to show he might have had some (just) cause of indignation (and therefore undue bias) against his client (who had never said such a thing) does not improve matters much; and I still adhere to my opinion as to this question, which I have recorded in the case.

28. It would surely have been possible for Mr. Miller to have ascertained what he wanted, step by step, and without bringing out a scandalous question at all; or to have seen that he would have to stop before putting it; it is impossible to come to any other conclusion but that he wished to create the very strongest prejudice against Mr. Moore's testimony and conduct in the enquiry before him.

29. But I am not so much concerned here with Mr. Miller's conduct, it is my duty to endeavour by every possible means to show that there was not even the slightest justification for such a question having been even put to Mr. Moore.

30. I think Mr. Moore deserves great credit for the manner in which he brought the Tahsildar's conduct to light.

31. I say nothing here as to the issue by him of a search warrant for search of the Tahsildar's house; Mr. Moore has stated in open Court that he considered himself authorised and justified as a Magistrate in issuing the warrant, and that he acted in good faith, I have no doubt; if any question as to the legality of his action arises, he will no doubt be ready to answer to any authority which is competent to call upon him to do so.

32. Mr. Moore undoubtedly is keen and zealous in his work, and firmly persuaded no doubt that there was very strong presumptive, if not positive, evidence of the Tahsildar's guilt; he was interested strongly in the prosecution, for this, partly, and for other reasons, already stated to the Board, I handed over the papers for the prosecution to Mr. Wynne.

On one day Mr. Wynne was absent, being seriously unwell, and no one appeared as prosecutor; Mr. Moore was as usual in Court and he did, once or twice speak, with a view to putting

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questions and making suggestions in a manner that at the time I regretted, and which I did, as gently as I could express my disapproval of, and did repress. As to his having once or twice at most suggested points or questions to Mr. Wynne, I did not consider it necessary for me to take notice of this, any more than of the fact that the Tahsildar's son throughout the whole enquiry played the part of instructing Attorney to the Counsel for the Defence.

33. I own that I was much surprised to find that not only was the evidence briefly recorded by him again given more fully and subject to severe cross-examination before me; but that it was in each case borne out by corroborative documentary evidence, and in the case of the great majority of the witnesses, given in a manner which strongly impressed me with its truth.

And I have no reluctance in saying that one reason, not by any means the only one, that I had for disposing of these cases myself was that I thought there might be a chance of the witnesses being tampered with if the cases were committed to the Sessions Court, with a considerable interval between their examination before me and before that Court.

Enclosures Nos. 1 and 2.—Copies of Calendars in Cases Nos. 46 and 52 of 1874.

Enclosure No. 3.—Copy of Mr. Moore's report, dated 20th May 1874, No. 272.

The Board think it best to defer addressing Government as to the proposed dismissal of Sera Rao until his appeal has been heard, but they resolve to recommend Government to sanction the following appointments as substantive positions:

1. Rameswami Pillai, Tahsildar of Udairappillyam, to be Tahsildar of Munnar.

Ramaswamy Ayengar, Deputy Tahsildar of Mannar, to be Deputy Tahsildar of Porriur.

Vinayam Pillai, Deputy Tahsildar of Kalapalar, to be Deputy Tahsildar of Mannar.

2. With regard to A. N. Motte, Ramaswamy Pillai, the Collector should report if he has passed the necessary tests and served the requisite time in qualifying grades, and with regard to Ramaswamy Ayengar, whether he has passed the necessary tests.

3. The Board also resolve to request Government to sanction the temporary employment of Subramani Pillai, Taluk Sheristadar of Munnar, as Tahsildar, (paragraph 27).

No. 5. Order in Council, 2nd August 1874, No. 963.

Miscellaneous.

The proposals made by the Board in paragraphs 1 and 3 of their Proceedings above recorded are sanctioned.

(True Extract.)

(Signed) C. G. MASTER.

Acting Secretary to Government.

To the Board of Directors,
The Accountant-General,
The Judicial Department.

E. S. A. T. T. T.

No. 1,131.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th May 1874.

Read the following letter from F. BRANDT, Esq., Acting Collector of Trichinopoly, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 5th May 1874, No. 99:—

REFERRING to Mr. Pennington's letter, No. 92, dated 30th ultimo, I have the honour to request instructions.

2. It seems to me that there is difficulty in allowing Mr. Pennington's order to stand so far as it affects both Tahsildars in their magisterial capacity; and I am doubtful if, looking at Sections 9 and 10 of the Criminal Procedure Code and recent orders of Government, a Sub-Magistrate can be removed from one to another except under orders of Government, or if, when so removed, the Sub-Magistrate would have properly any jurisdiction.

3. I have to-day sent orders to the Sub-Magistrates in question, directing them not to take up any cases until further orders, making arrangements for the conduct of current magisterial work.

4. Unless I receive instructions to the contrary, I shall not take any steps towards interfering with Mr. Pennington's orders so far as they affect Sethu Rao and Kandagawny Pillay in their Revenue capacity, until the receipt of Mr. Moore's proceedings (expected in a few days) enables me to express a more decided opinion.

The Board have already cancelled the transfer to which the Acting Collector refers, but, so far as the Criminal Procedure Code goes, the Magistrate of the district was competent to order it (*vide* Notification at page 717 of the *Port St. George Gazette* for the 8th April 1873.)

2. If the transfer had been approved, the formal sanction of Government for the new appointments would have been asked.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of Trichinopoly.

Hrd. F. B. Sandeman.

6th of 1874 23rd June

2.

REVENUE.

THE BOARD OF REVENUE.

Secy. Secy. Secy.

Date August 8th

Recd.

Recd.

G. O. 3rd August 1874, No. 99.

ALICUT.

No. 54.

Sanction of Mr. Grose, Secretary to the Board of Revenue, dated 13th May 1874, No. 99, is hereby cancelled. The Board of Revenue, in its meeting of 13th May 1874, has decided that the order of Mr. Pennington, dated 30th April 1874, No. 92, is hereby cancelled. The Board of Revenue, in its meeting of 13th May 1874, has decided that the order of Mr. Pennington, dated 30th April 1874, No. 92, is hereby cancelled.

From Secy. to the Board of Revenue to the Acting Collector of Trichinopoly. - Acting Collector informed that he had immediately sanctioned temporary service of - to Udaiyarpalayam at Collector's post that so far as to the present Procedure Code does, the Management was competent to order it.

No. 1191

Received

Recd

PROCEEDINGS, 13TH MAY 1874, No. 1191.

1874.
BOARD OF REVENUE,
MADRAS.

No. 1,078.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th May 1874.

Read the following letter from J. B. PENNINGTON, Esq., Acting Collector of Trichinopoly, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 30th April 1874, No. 92:—

I HAVE the honour to report, for the information of the Board, that I have placed Setu Row, Tahsildar of Museri, in temporary charge of Udaiyarpalayam, and Kandasami Pillai, Tahsildar of Udaiyarpalayam, in temporary charge of Museri (both on the same pay as before), pending an inquiry into certain very serious charges against Setu Row, which is now being conducted by the Acting Head Assistant Collector.

2. The result of his brief preliminary inquiry will be reported for the orders of the Board with the least practicable delay.

3. Meantime I refrain from expressing any opinion in the case.

THE Board consider that it is objectionable in every way that a Tahsildar should be sent away to a distance in order that "serious charges" against him may be reported into in his absence and behind his back. If the Collector dared that the Tahsildar's influence would prevent witnesses from coming forward against him, and there was sufficient cause for believing it to be necessary, the Tahsildar should have been suspended.

2. The Board cannot therefore ratify the order herein reported. Setu Row must be sent back to Museri at once, and the result of Mr. Moore's inquiries up to date reported forthwith.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of Trichinopoly.

Ed. T. O'Connor.

Setu Row—Tahsildar at Museri in Pudukottah District, who has been employed as such, and is charged with the management of the Peramur Estate, is referred to the Board of Revenue for consideration of certain charges against him by the Acting Head Assistant Collector, in his report to himself at once.—Board of Revenue to be reported forthwith.

MAY.
No. 1,078.

Received
16th May 1874
Ch. J. S. B. 1/14

PROCEEDINGS, 8th MAY 1874, No. 1,078.

BOARD OF REVENUE,
MADRAS.

1874

No. 1,168.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th May 1874.

Read the following letter from F. BRANDT, Esq., Acting Collector of Trichinopoly, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 12th May 1874, No. 105 :—

I HAVE the honour to acknowledge Board's Proceedings, dated 8th May 1874 (without number).

2. As therein directed, I immediately issued orders for Setu Row to resume his own appointment in Museri Taluq.

3. I comply with the second order of the Board in herewith sending the results of Mr. Moore's inquiries up to date.

4. The charges against Setu Row resolve themselves with the following classes :—

I.—Accepting illegal gratification in various capacities, viz., as Sub-Magistrate, Sub-Registrar and Tahsildar.

II.—Criminal misappropriation of certain property belonging to Government.

III.—Fraud in connection with the management of the Peramur Estate.

IV.—Possession and cultivation of lands, nominally held by others, in his own taluq.

V.—Systematic money dealings with persons living in his taluq.

VI.—Neglect to obey a peremptory order from a late Collector.

5. The cases in detail, under head No. I, are as follows :—

(a.) Evidence which the Acting Head Assistant Collector considers reliable has been given, which goes to show that in a magisterial case in which the accused were charged with dacoity, Setu Row sent for the accused, and told them that if they did not pay him Rupees 200, he would have them committed to the Sessions Court; after detour to paying so much, Setu Row consented to take Rupees 100, but told them that as they had not given him the full amount, he should not acquit them altogether; he did, in fact, as he promised, take the case as an assault, and inflicted in each case a small fine: there was an appeal to the Acting Head Assistant Magistrate who reversed the finding and sentence on its merits, and heard nothing about the bribe until afterwards.

In this case Mr. Moore says "I think this charge has been proved most satisfactorily by the evidence produced."

(b.) In connection with the registration of a document, the Tahsildar, as Sub-Registrar, is said to have extorted money (a paltry sum of Rupees 4) from certain persons who presented an insufficiently stamped document, by threatening to prosecute them for attempt to evade the stamp duty, when there was no evidence whatever of fraud on their part: as Sub-Registrar he subsequently reported to the Collector that the document had been insufficiently stamped through ignorance only. As regards this case, Mr. Moore says "The evidence is to my mind quite satisfactory."

(c.) In his general capacity as Tahsildar, he is charged with having received Rupees 1,000 from the Village Munsif of Muari, Chinnasami Pillai, formerly a great friend of his, in consideration for settling some dispute regarding division of the Munsif's family property.

(d.) With having in the same capacity taken a bribe from one of the parties to the dispute about the Iyempalliam Estate.

6. The evidence for the prosecution in cases (a) and (b) appears to have been completely taken. That in case (c) is not complete, but the Acting Head Assistant Collector considers there is a *prima facie* case.

In the Iyempalliam case (d) there is said to be in the evidence already taken "sufficient to raise a very strong presumption of guilt."

7. As to Charge IV, it seems that the Tahsildar's house was searched for the production of accounts and other things considered essential to the inquiry in this case, and among other

things was found some furniture made of wood now identified by clerks in the office, carpenters, and so on, as the property of Government and purchased for office use, but which it is said has been taken possession of and converted into furniture for his own use by the Tahsildar; this charge the Acting Head Assistant Collector considers "fully proved."

8. The charge of fraud in connection with the Peramur Estate (III.) has been only partially investigated: much appears to depend on the production of a Will which has not yet been obtained.

9. As to Charge No. IV. in two cases Mr. Moore thinks it is "shown on most trustworthy evidence" that the Tahsildar improved at his own expense, cultivated with his own bullocks and enjoyed the produce of lands which he caused to be applied for, by, obtained by, and registered in the names of others; the evidence in this case, *if reliable*, seems almost conclusive.

10. Proof of Charge No. V. is found in certain accounts impounded in the Tahsildar's house, in which money dealings are shown between him and residents in the taluq, including one of the largest landholders who on examination admits entries of sums "lent" to the Tahsildar.

11. The order referred to in Charge No. VI. was an order from the late Mr. McDonell, Collector, issued in 1865 in his own handwriting, forbidding the Tahsildar to reside in a chattram belonging to the Village Munsif, Oorunasami Pillai, whose name has been before mentioned; it is stated that the Tahsildar has resided in this chattram ever since 1865, and has no house of his own.

12. The above summary is drawn from a memorandum submitted by Mr. Moore, and from inquiries made at length from him personally; the peremptory orders of the Board to submit the case at once prevents me from forming a decided opinion; but if such a summary of evidence were put before me, and I had no doubt as to the summary being supported in every respect by depositions which can be called for at any moment, I should have no hesitation in committing an accused person to take his trial, in the absence, that is, of explanation or defence. I had intended to have allowed Seta Row an opportunity of hearing all the evidence, and, if he wished it, of at once making a defence; I might then have been in a position to recommend or deprecate prosecution, and in the one case would have on my own responsibility suspended Seta Row.

13. As it is, I leave to the Board the decision both as to the course to be taken in inquiry and as to the position Seta Row is to occupy during further inquiry, if any.

14. It is suggested that the cause of all these irregularities coming to light is a split between the Head-quarter Revenue Inspector and the Tahsildar, who are supposed to have pulled well together before. I do not know what evidence there is either of the partnership or its dissolution.

15. I can safely say that the Acting Collector's intention was not that the charges should be inquired into behind the Tahsildar's back, and I had informed Mr. Moore that as soon as ever I received his record, I should call in the Tahsildar, allow him to see the whole, and make or reserve his defence. I believe the transfer was made because Mr. Pennington did not wish to inflict so severe a punishment as suspension, except on reliable evidence of crime or misconduct; and, coming within the scope of inquiry, I think Mr. Moore has been very expeditious in recording as much.

16. I would only add that many of the witnesses are connected with the Tahsildar's establishment: two Revenue Inspectors, the manager of the Peramur Estate, clerks and peons; and that I consider it very undesirable in any case that Seta Row should remain in the taluq, if further inquiry and prosecution takes place there.

Under the circumstances reported by the Collector, the Board consider it necessary to sanction the prosecution of Seta Row, and to order that he be suspended, pending inquiry.

2. They resolve to direct Mr. Brandt to carry out the investigation himself. It is unnecessary to remark that the examination of the witnesses must be held *de novo* in the presence of the accused.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of Trichinopoly.

Copy to the Accountant-General.

Edw. W. H. French.

No. 1,486.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th June 1874.

Read the following letter from F. BRANDT, Esq., Acting Collector of Trichinopoly, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 15th June 1874, No. 133:—

As directed in the Board's Proceedings, dated 19th May 1874, No. 1,168, I commenced to

carry out the investigation into Seta Rao's conduct as Tahsildar of Musiri forthwith. I selected cases* I.(a), I.(b), and I.(d) to com-

mence with, and I chose I.(b) for hearing first, as I thought at first that it would not show, or might not show, more than partiality and inexplicable conduct in regard to the dispute between Shanmugham Pillai and Ulagathal, and chiefly because it related to conduct in his official capacity as Tahsildar, as to which there was no doubt the Board could authorize the prosecution; whereas in his capacity as Sub-Magistrate and Registrar I had some doubt, and referred and obtained time to get the sanction of Government itself.

2. I actually issued the summons in this case now disposed of I.(d) as Revenue summons; but as the papers bearing on the case were collected (I called for everything which the Head Assistant's report seemed to suggest or lead to, however remotely), it was likely that, if the oral evidence were reliable and were given again before me, it was a clear case of illegal acceptance of gratification.

3. I accordingly handed over all the papers to Mr. Wynne, Assistant Collector, and requested him to prosecute. I thought this desirable, as Mr. Moore had been engaged in getting up the case, (I had already directed the Public Prosecutor to prosecute in cases I.(a) and (b)), and I thought it would be excellent training for Mr. Wynne.

4. I am glad to say that he displayed great care and marked ability in replying to the leading Counsel for the defence, Mr. Miller.

5. The sequel has been that oral evidence to the same effect as that given before Mr. Moore, only amplified to a very great degree and subjected to a searching cross-examination which, on the whole, confirmed, did not weaken it, has been given before me, and that on this, as borne out by the documentary evidence, I had little or no hesitation in convicting Seta Rao on Saturday last on two counts under Section 161, Indian Penal Code, and sentenced him to undergo in all one year's simple imprisonment, to pay in addition a fine of Rupees 2,000, and in default to four months' additional imprisonment.

6. I shall forward a copy of my Calendar as soon as it is copied.

7. To-day I conclude case I.(a), and I write to request the Board's orders as to whether it is necessary for me after completing this case to proceed any further with the other charges against the convicted person.

8. I shall be glad of a reply by telegram, as witnesses are summoned and will be in attendance throughout this week.

Ordered that the following telegram be despatched:—

Your letter 133.

The Board must leave it entirely to your own discretion, for you are in the best position to judge how justice can be secured.

(A true Copy and Extract.)

(Signed) J. GROSE,

Secretary

To the Acting Collector of Trichinopoly.

Edw. F. R. Bantleman.

Board of Revenue,
MADRAS.

1874.

PROCEEDINGS, 19TH MAY 1874, NO. 1,168.

Encl.

Received

MAY
No. 1,168.

See Four—Tahsildar of Musiri filing in Trichinopoly District—Prosecution of—on charges of bribery, criminal misappropriation, etc. sanctioned; and his suspension pending inquiry, authorized. Acting Collector, Mr. Brandt, to carry out investigation himself, examining witnesses *de novo* in presence of accused.



100

No. 1,930.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd July 1874.

Read again the following papers :—

Board's Proceedings, dated 8th May 1874, No. 1,078.

Do. " 13th " " " 1,131.
Do. " 19th " " " 1,168.
Do. " 17th June " " 1,486.
Do. " 25th " " " 1,587.

Read also the following letter from P. BRANIT, Esq., Acting Collector of Trichinopoly, to J. GHOSE, Esq., Secretary to the Board of Revenue, dated 30th June 1874, No. 150.

As promised in my letters to you, dated the 18th and 16th June 1874, Nos. 133 and 136, I have the honor to submit copies of my collations in Cases Nos. 45 and 52 of 1874.

2. I think the facts are therein so fully (and I hope clearly) set forth, that it is unnecessary for me to say more here on those cases.

3. I also submit a copy of Mr. Moore's report, dated 20th May 1874, No. 272, any of the documents therein referred to (except those which form part of the records in the cases disposed of by me) can be sent to the Board if required.

4. I understand that Setu Rao intends appealing against my decisions to the Sessions Court. I shall be much surprised if either of them are reversed, but under no circumstances can I suppose it possible that Setu Rao will ever be again employed in the Public service.

5. The Board has been pleased in their Proceedings of the 17th June (before communicated by telegram) to leave it to my discretion as to prosecuting Setu Rao on other charges.

6. I am of opinion that, until the result of the appeal is known, and then not unless the appeal is decided in favor of the accused, it is not necessary that the other charges should be gone into.

7. The Board will observe that Setu Rao in the defence in each case stated that the whole charges had been got up against him by three persons, one of whom is the Revenue Inspector Syud Saha Ram, referred to in paragraph 14 of my letter of the 11th May last; another is Adikalam Pillay, a Clerk in the Taluk Cutcherry; and the third, Manager of the Perambur Estate, a friend of the latter.

8. No attempt was made by the defence to prove this conspiracy, and I know nothing about it. I have, however, directed Deputy Collector Mahomed Saif Sahib, now in charge of the Road-Assistant Collector's Division, to make enquiries quietly and see if there are grounds for proceeding against the Revenue Inspector, who I heard, subsequently to the trial, has a house and means far beyond what is in keeping with his position and official emoluments.

9. I have a strong suspicion that disagreement between the late Tahsildar and this Revenue Inspector both led to some of the disclosures, and also that it was because the defence was afraid of still further disclosures if he were put into the box that they did not call him as a witness.

10. A few days before the trial, he sent me a long letter (copy of which is enclosed), showing that Adikalam Pillai had been dismissed from Government Service and ought not to be employed. Setu Rao had written direct to the officers in the Department of Public Works to get information from them as to this Adikalam's dismissal, and he also wrote direct to me, and not through his Divisional Officer. I sent the late Tahsildar's letter to Mr. Moore for report.

11. I refer to this to show :—

(1.) That the late Tahsildar brought out this card at the last moment intending evidently to show that this man was at the bottom of the conspiracy, but he failed to make any use of it at the trial.

(2.) That animosity on Adikalam Pillai's part cannot have been the reason of the charges being brought, for either he did not know that Setu Rao either knew of his dismissal or intended to make it known, or he did know that Setu Rao knew his secret, and if so, he would naturally not run the risk of his coming to light by making an enemy of the Tahsildar. In fact, the whole case was concluded by Mr. Moore before the late Tahsildar sent in this information.

1874.
JUNE 25th 1874.
MADRAS.

PROCEEDINGS, 25th JUNE 1874, No. 1,587.

Received.

JUNE.

No. 1,587.

Setu Rao—Tahsildar of Madras Taluk in Trichinopoly District.—Collector's letter to pending conviction of — on a charge of bribery and sentence passed on him, recorded.

12. I address the Board separately on the subject of this Adikalani Pillai's dismissal and re-employment.

13. Further enquiry is now being held under my orders in a case in which there has, almost without doubt, been some deception and dishonesty; it affects the Peramur Estate and must, in the interests of the Minor, be investigated; it is suspected that in this case also the Tahsildar has acted dishonestly; this is Case No. III. as numbered in my report of the 11th May last.

14. It seems that under a Will the testator devised to the person or persons named in the Will 15 karais out of the 37, karais owned by the Testator, in a village named Vellur; no extent was given in acres. An enquiry was held by the Tahsildar Seta Rao, who in his report spoke of the village as containing 10 karais, this being so, Acres 48.80 were given over to the devisee instead of Acres 29.57 which only would have been given had the "karais" been reported as really sixteen in number as it seems they are; by this means 12.89 in excess of what should have been given were given to the devisee and the Minor's estate is so much the poorer.

15. The way in which the misrepresentation (if such it proves to be) was made is as follows. — The village in question, Vellur is divided into two parts, called respectively Melur, Kilur. Roughly speaking, and because all the principal houses lie in, and the revenue business is transacted in Melur, the whole village is sometimes spoken of as Melur. In Melur proper there are it seems 11 karais and in Kilur 5 karais.

16. It could therefore be said with verbatim truth that there were only 10 (or 11) karais in Melur.

The result of the enquiry now going on will no doubt be reported in due time, if it does not reach me while I am in charge of the district, as to the facts stated in paragraphs 14 and 15 there is evidence on record in the Honour.

17. It is hardly necessary for me to suggest that the sanction of Government be requested for Seta Rao's dismissal from the Public Service, with recommendation that he be declared ineligible in future for any public service.

18. It only remains for me to make proposals for filling up the vacancies which will be caused thereby.

In this I have been assisted by Mr. Pennington, whom I requested to express his wishes on the subject.

19. I propose the following:—

K. Kandasami Pillai, now Tahsildar and 3rd Class Magistrate, Udaiyarpalayam Taluq, to be Tahsildar and 3rd Class Magistrate of Musiri Taluq.

A. N. Muttu Kandasamy Pillai, now Deputy Tahsildar and 3rd Class Magistrate at Lalgudi, to be Tahsildar and 3rd Class Magistrate of Udaiyarpalayam Taluq.

Rameshchandra Rao, (late Head Clerk, Head-Assistant Collector's Office,) to be Deputy Tahsildar and 3rd Class Magistrate at Lalgudi.

Ramaswamy Aiyangar, Deputy Tahsildar and 3rd Class Magistrate, Manapattu, to be Deputy Tahsildar and 3rd Class Magistrate at Tirriyur.

Manasa Pillai, Deputy Tahsildar and 3rd Class Magistrate at Kelampalur, to be Deputy Tahsildar and 3rd Class Magistrate at Manapattu.

20. Proposal will be made for filling up the vacant Sub-Magistrate's place at Kilapattur as soon as I have had a reply from a person whom I think fit for the place.

21. It is very desirable that Melur should no longer be left with only a Sheristadar in charge.

22. I also request leave for passing to Subramania Pillai, Taluq Sheristadar, who has been in charge of the Musiri Taluq since the 21st of May 1874, the date of Seta Rao's suspension, the usual remuneration allowance.

23. It will be seen that under the now proposed arrangement, four out of the five Tahsildars in the district will be Pillais; but of them one is a Christian, and one of them only Kandasami Pillai is a native of this district; they are not, moreover, of the same caste of Pillais.

24. I think it right to mention here the facts connected with the question put by the leading counsel for the defence by Mr. Moore. After a pause of some moments, and amid breathless silence in the Court, the counsel with an air assumed by Barristers when some very important revelation is about to be made, asked Mr. Moore if he was aware that there was a rumour to the effect that the accused (late Tahsildar) had charged him with taking a bribe in connection with these charges.

25. I was so utterly taken aback, I was so anxious as to the result, that I had not time to interpose, and demand to be shewn ground for putting such a question, before Mr. Moore, who answered immediately, and with no little indignation, had replied to the question, and insisted that he should be allowed to state the whole of the facts connected with it.

He said he had heard of such a rumour, that he had been told that one day after his inquiry was closed, and sent for disposal to the Collector and Magistrate, Seta Rao had been heard by some one hanging about the Collector's room talking to Mr. Pennington, in Telugu, and saying that he believed Mr. Moore had taken a bribe. Mr. Moore further, of his own accord, gave the name of his informant, a Mr. Salisbury, a Pleader here, then in Court, asked if he had ever asked the Tahsildar if he had said such a thing, he replied by a query whether Mr. Miller supposed he would demean himself by speaking to Seta Rao on such a subject? He was then asked, whether he had ever asked Mr. Pennington if it had been said? He replied, I could not suppose that Mr. Pennington would have allowed such a thing to be said to him, or if it had been said that he would not have told me so, and given me the chance of taking notice of it.

26. The statement of the accused, in answer to the Court, showed abundantly (if that had been needed in addition) that he never had said such a thing nor put such a report in circulation.

27. If Mr. Miller had taken the trouble, and I think as a Barrister it was his bounden duty to have done so, to ascertain at what period this alleged charge was supposed to have been made, he would or should have found that it was after Mr. Moore had ceased to have the conduct of the enquiry in his hands. Therefore Mr. Miller's explanation (given after the expression of the *disbelief* in the improbability of evidence) viz. that the question was put, not with the least idea of suggesting that Mr. Moore was guilty of having taken a bribe but to show he might have had some just cause of indignation, and therefore on *undue bias* against his client (who had never said such a thing) does not improve matters much, and I still adhere to my opinion as to this question, which I have recorded in the case.

28. It would surely have been possible for Mr. Miller to have ascertained what he wanted, step by step, and without bringing out a scandalous question at all, or to have seen that he would have to stop before putting it, it is impossible to come to any other conclusion but that he wished to create the very strongest prejudice against Mr. Moore's testimony and conduct in the enquiry before him.

29. But I am not so much concerned here with Mr. Miller's conduct, it is my duty to endeavour by every possible means to show that there was not even the slightest justification for such a question having been even put to Mr. Moore.

30. I think Mr. Moore deserves great credit for the manner in which he brought the Tahsildar's conduct to light.

31. I say nothing here as to the issue by him of a search warrant for search of the Tahsildar's house. Mr. Moore has stated in open Court that he considered himself authorised and justified as a Magistrate in issuing the warrant, and that he acted in good faith, I have no doubt. If any question as to the legality of his action arises, he will no doubt be ready to answer to any authority which is competent to call upon him to do so.

32. Mr. Moore undoubtedly is keen and zealous in his work, and firmly persuaded no doubt that there was very strong presumptive, if not positive, evidence of the Tahsildar's guilt; he was interested strongly in the prosecution; for this, partly, and for other reasons, already stated to the Board, I handed over the papers for the prosecution to Mr. Wynne.

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Ramachendira Rao, late Head Clerk, Head-Assistant Collector's Office, to be Deputy Tahsildar and 3rd Class Magistrate at Lalgedi.

Ramasamy Ayengar, Deputy Tahsildar and 3rd Class Magistrate, Manaparai, to be Deputy Tahsildar and 3rd Class Magistrate at Torriyur.

~~S. S. Pillai~~ Pillai, Deputy Tahsildar and 3rd Class Magistrate at Kelapalur, to be Deputy Tahsildar and 3rd Class Magistrate at Manaparai.

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32. Mr. Moore undoubtedly is keen and zealous in his work, and firmly persuaded no doubt that there was very strong presumptive, if not positive, evidence of the Tahsildar's guilt; he was interested strongly in the prosecution; for this, partly, and for other reasons, already stated to the Board, I handed over the papers for the prosecution to Mr. Wynne.

On one day Mr. Wynne was absent, being seriously unwell, and no one appeared as prosecutor; Mr. Moore was as usual in Court and he did, once or twice speak, with a view to putting questions and making suggestions in a manner that at the time I regretted, and which I did, as gently as I could express my disapproval of, and did repress. As to his having once or twice at most suggested points or questions to Mr. Wynne, I did not consider it necessary for me to take notice of this, any more than of the fact that the Tahsildar's son throughout the whole enquiry played the part of instructing Attorney to the Counsel for the Defence.

33. I own that I was much surprised to find that not only was the evidence briefly recorded by him again given only more fully and subject to severe cross-examination before me; but that it was in each case borne out by corroborative documentary evidence, and in the case of the great majority of the witnesses, given in a manner which strongly impressed me with its truth.

And I have no reluctance in saying that one reason, not by any means the only one, that I had for disposing of these cases myself was that I thought there might be a chance of the witnesses being tampered with if the case were committed to the Sessions Court, with a considerable interval between their examination before me and before that Court.

Enclosures Nos. 1 and 2.—Copies of Calendars in Cases Nos. 46 and 52 of 1874.

Enclosure No. 3.—Copy of Mr. Moore's report, dated 20th May 1874, No. 272.

The Board think it best to defer addressing Government as to the proposed dismissal of Seta Rao until his appeal has been heard, but they resolve to recommend Government to sanction the following appointments as substantive *pro tem* :—

- R. Kandasami Pillai, Tahsildar of Udaiyarpotiyam, to be Tahsildar of Musiri.
- Ramaswamy Ayengar, Deputy Tahsildar of Manapurai, to be Deputy Tahsildar of Torriyur.
- Vinasami Pillai, Deputy Tahsildar of Kelapalur, to be Deputy Tahsildar of Manapurai.

2. With regard to A. N. Mutha Kumaraswamy Pillai, the Collector should report if he has passed the necessary tests and served the requisite time in qualifying grades, and with regard to Subramani Pillai, Tahsildar of Musiri, whether he has passed the necessary tests.

3. The Board also resolve to request Government to sanction the temporary employment of Subramani Pillai, Tahsildar of Musiri, as Tahsildar. (paragraph 22).

(A true Copy and Extract.)

[Signature]
Secretary.

[Handwritten notes]
To Mr. Moore
1/10/74
1/10/74
1/10/74

To the Acting Secretary to Government, Revenue Department,
with three original enclosures, to be returned, and Board's
Proceedings, Nos. 1,978, 1,131, 1,168, 1,188 and 1,587 of 1874.
Copy to the Acting Collector of Trichinopoly.

[Handwritten notes]
The proposals made by the Board in paragraph 1 and 2 of their proceedings above recorded are sanctioned.

[Handwritten signature]

[Vertical text on the left margin]
The Board of Revenue, Madras, in the year 1874, No. 1,587.

[Vertical text in the middle margin]
JULY 1874

[Vertical text on the right margin]
Board of Revenue, Madras.

[Vertical text on the far right margin]
1874