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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.
B.P. No.

1576.

Press
Mis.

Dated

6-11-1876.

196

Not to be folded or roughly handled

1575
Proceedings of the Madras Govern
6th November 1870

No. 51. Read the following letter from SETU
Taluq, Trichinopoly District, dated 25th Sept
ABSTRACT.—Forwarding a Memorial to Her Majesty

No. 52. ORDER THEREON, & 187

Miscellaneous.

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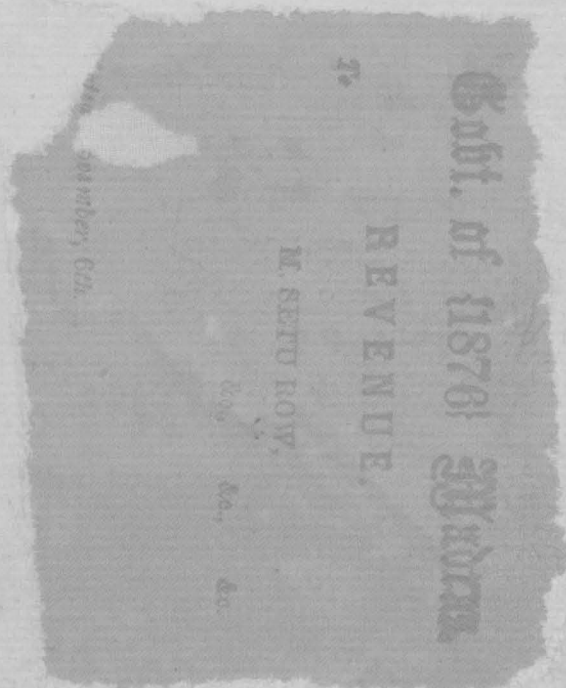
from him addressed to Her Majesty the Queen, v
reference made to the Right Honorable the S
memorialists, whose appeals to Her Majesty & C
privilege of addressing Her Majesty, praying

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To M. Setu Row.
„ the Petition Department.

Exd. F. R. Bantleman.



1576
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THE SUMMARY OF THE CASE BY MR. MILLER:—

The two sets of charges that have been preferred against my client bear a close resemblance to one another. In one he is accused of having *asked* for a bribe, and in the other of having *received* one. There is no charge that can be more easily made than that of bribery, and there is none more difficult to rebut. It is the bounden duty therefore, of every tribunal, particularly when such charges are made against an official in the position of the defendant at the bar, to enquire into them with the greatest care. The defendant stands in the eyes of his own people and community in the same position as your Honor does among the European inhabitants of the station; and it is only just to him that the charges which have been brought against him should be as carefully looked into as they would if brought against one in the position of your Honor. The charges are of a very serious nature, and, the defendant being an official of high position, the greatest caution should be exercised before accepting the evidence brought forward for the prosecution. When Mr. Moore was asked whether he had heard a report that the defendant had told Mr. Pennington that he (Mr. Moore) had received bribes in this case we all saw the indignation he felt at hearing of such a rumour. But if two scoundrels had come forward and had made these statements, on oath, against Mr. Moore, would your Honor, on such evidence, have tried Mr. Moore or committed him to the High Court? I was not a little surprised—on coming to Trichinopoly today—to find that the charges against the defendant were being investigated by your Honor as a Magistrate, instead of being sent up to the Sessions Court. The charges are of a most serious nature and the defendant should have been sent up a higher tribunal where he would have had the privilege of a trial before a Judge who had nothing to do with Revenue Department, assisted either by a jury or assessors. Your Honor admitted yesterday that you had suspended the Tahsildar and had recommended his being prosecuted on hearing certain things against him. The charge, moreover, arose in the district over which your Honor presides, and I, therefore, think that it would have been far better if the case had been sent up to another tribunal instead of being disposed of by you. I do not mean to say that your Honor is in the least degree biassed against my client, or influenced by local prejudices, far from it. But we must remember that we are all fallible creatures; we are all human; and the rumours we hear, and what people talk about, must have some influence over our minds. Your Honor said that, from certain representations made to you, you recommended to the Board of Revenue that the Tahsildar should be suspended (Mr. Brandt: "No, it was on the enquiry made by Mr. Moore that I recommended his suspension") I shall presently address myself, your Honor, as to the very irregular proceedings of Mr. Moore. But what I now submit is that your Honor cannot be considered to come to have this case with a *blank* mind, but with a mind filled with proceedings taken *ex parte*, proceedings taken when the defendant was not present, behind his back. I do submit, as a matter of fairness, that it would have been far more just that the defendant should have been tried by a tribunal that had heard nothing of the case before. (Mr. Brandt: "It was only the enquiry by Mr. Moore that I went upon") Your Honor thinks that Mr. Moore's proceedings were legal, but I submit that they were illegal. Mr. Moore admits it was not a departmental enquiry. If so there is I say no warrant for those *ex parte* proceedings. In this case, I submit the defendant has not had that full and fair trial that he had the right to expect. I do not mean to say or to insinuate that your Honor is in any way prejudiced, but, as I remarked before, we are all fallible men and our minds are likely to be influenced by what we hear. As well might your Honor, if you had a servant in your household against whom a charge—say of theft—is preferred after holding a preliminary enquiry, come into Court and try him on the same charges you had been investigating or enquiring into privately out of Court. The defendant, I submit, stands now in a most unsatisfactory position. In this case there have been

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local influences at work of a strong character. Mr. Moore's admissions shew that he was biased against the Tahsildar. I do not mean to say that Mr. Moore had any personal hatred or animosity against the Tahsildar, but the latter has enemies who have been going about spreading rumours against him, and Mr. Moore has been giving too ready a ear to these statements. It was only yesterday your Honor heard in Court that Mr. Salisbury had told Mr. Moore that he had heard that the defendant had told Mr. Pennington that he (Mr. Moore) had taken a bribe in this very case. It is true Mr. Moore told us that he not believe it and, therefore, did not write to Mr. Pennington but he at one time contemplated doing so. Such a report must have had some effect on Mr. Moore. Mr. Salisbury, the very person who thus set Mr. Moore against the Tahsildar, has been in Court assisting Mr. Wynne in the conduct of this case. (Mr. Brandt: "I did not see him") I saw him assisting Mr. Wynne and Mr. Wynne cannot deny it. I challenge him to do so. Mr. Miller to Mr. Wynne,—"Do you deny it?" (No answer.) So long as it is not denied I have a right to say that Mr. Salisbury, who gave the information to Mr. Moore, has been actively engaged in assisting the prosecution. There are others as well who have been assisting, as for instance the Revenue Inspector. Mr. Moore says that he did not speak to him, or rather does not remember to have spoken to him; but I ask your Honor, as between man and man, whether there have not been very active influences at work. There is another question I would remark upon. Mr. Moore, in this case, volunteered to be a witness (Mr. Brandt:—"Mr. Moore was called by the Court.") Then your Honor knew Mr. Moore's opinion and called him. I was not here then; but the evidence given by Mr. Moore was recorded as given on the part of the prosecution, and he there makes a statement of the bad opinion he had of the Tahsildar. I ask your Honor to contrast this with the good opinions regarding the latter, expressed by his superiors in the testimonials filed. Mr. Moore has not in a position at all to give such an opinion (here Mr. Miller read Mr. Moore's deposition) It is as strong a character as I have ever seen or heard, and perhaps Mr. Moore will, if called upon hereafter, be able to give us his reasons for having made such statements. He certainly did not at the time he formed his opinion know more of the Tahsildar than you or I do. He formed his opinion at the close of '70 or at the beginning of '71. He was not then in charge of Museri, and he yet gives such an opinion of an official in another Taluq whom he could know nothing about except from hear-say. Now your Honor, do you think this was a fair proceeding on the part of Mr. Moore? But let me draw your Honor's attention to the character given by the Head Assistant in charge of the Museri Taluq at the time, to the opinion of the Tahsildar's immediate superior Mr. Martin. Mr. Moore was young in years and young in experience; Mr. Martin expresses his opinion of the Tahsildar after an experience of three years and 8 months (Here Mr. Miller read Mr. Martin's testimonial:—

I have had Setu Row under me as Tahsildar for the past 3 years and 8 months and I have found reason in that time to agree with the opinions expressed regarding him by the numerous gentlemen from whom he holds certificates. I am particular in expressing this opinion regarding him because, after the late arrangement of village appointments, numerous reports were set on foot of his having received large sums of money for these appointments. From the enquiries which I made into the several specific complaints, and from the character of the under-hand way in which the reports were circulated, I have come to the conclusion that the reports were maliciously false and circulated by the Tahsildar's enemies. I have myself always found Setu Row to be energetic and active in conducting the work of the more than ordinarily heavy Taluq which he has to manage and as far as I can judge his character is free from blame.

(Signed) C. W. W. MARTIN,

Head Assistant Collector.

TRICHINOPOLY, 29th January 1871.

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Now there is a character equally strong the other way. Mr. Martin's attention was also drawn to the Tahsildar receiving bribes; but Mr. Martin knew and says he enquired and found out that these reports were malicious and that they were circulated by the Tahsildar's enemies. I would ask your Honor whether, considering Mr. Martin's experience, his opinion of the Tahsildar does not over-balance Mr. Moore's, and whether Mr. Moore's opinion is entitled to any weight against the mass of evidence in favor of the Tahsildar's character. In all such case as this, character is the only shield a man has, and it is fortunate when people have good characters to support them, especially people in the position of my client. It must be borne very strongly in mind that character is the only defence that can be set forward against calumnies of this sort. And now with reference to the charges.

The first charge is that the defendant asked for a bribe of Rs. 5000, and $\frac{1}{2}$ of the landed property worth 50,000 Rupees. Now here we see how far character goes in one's defence, for what possible evidence can the Tahsildar be expected to have to rebut such a charge? Two years ago the Tahsildar is said to have asked for a bribe from Shunmugam Pillay. Now one must look at the probabilities of the case. Shunmugam Pillay, it must be remembered, was the deadly foe of the Tahsildar, and had been so for over 3 years. Complaints were made over and over again by Shunmugam Pillay against the Tahsildar, and yet Shunmugam Pillay is put forward as the man from whom the Tahsildar sought a bribe. But Shunmugam Pillay, you will remark, gets out of it very well. He says he was told of it by two of his satellites. He is willing to go to the back and pull the strings, leaving the other two to bear the blunt of it. It should, therefore, be considered who the party is from whom the bribe is alleged to have been asked, the manner and time of asking, and the terms. These two agents say that no one else was present but themselves. They will not give us an opportunity of testing the accuracy of their statements, as to the exact time, place manner &c., all they say is that this occurred 2 or 2 $\frac{1}{2}$ years ago. I say there is much room for doubting what they state. Then again what is the bribe that is asked for? Rs. 5000 in cash and lands worth Rs. 50,000 now if property to the value of Rupees 50,000 had been asked for, would the request have been made in this way? Most certainly not. Where again are these lands situated? In the Museri Taluq. In the very Taluq where the defendant is Tahsildar! It is at all within the bounds of probability that the parties could have had the thing settled by the Revenue authorities. Certainly the Revenue authorities often do very curious things, but the Civil Courts always set these aside. Was it possible, however, for the Tahsildar to have got possession of so much property in his own Taluq without the whole transaction being known? The thing is so palpably absurd that I wonder such a charge should ever have been preferred against the Tahsildar. Let me call your Honor's attention to the conduct of Shunmugam Pillay. The records show that he had been constantly complaining against the Tahsildar (Here Mr. Miller read a portion of Shunmugam Pillay's deposition.) Now, are these statements such as one ought readily to listen to? Here is a man who admits that he had enmity against the Tahsildar; that he was always complaining of the Tahsildar having done him injustice. Certainly, under the circumstances of the case, nothing was easier than for him to have said that two of his agents had told him that the Tahsildar had asked for a bribe. I ask if Shunmugam Pillay has acted as an honest man would act? On the contrary I have no hesitation in saying that he is a dishonest man. At the eleventh hour, after Mr. Moore had sent the Tahsildar out of his own Taluq for the purpose avowedly of getting up charges he comes with his story two and a half years' old. He says he was 'afraid' to come forward over and over again to state statements and yet he was not afraid during the interval over and over again to state in his petitions to the Collector that the Tahsildar was favoring his opponent and doing him injustice! No one can be safe if such evidence as Shunmugam Pillay's is received. (Mr. Miller here commented on a portion of Shunmugam Pillay's deposition where the latter tried to explain two statements, and observed.) Here Shunmugam Pillay is tampering with justice, and is guilty of contempt of Court. He should never have been

allowed to give his evidence in such a manner. (Mr. Miller then passed on to the depositions of the two next witnesses, portions of which he read.) Now, If the Tahsildar was making this demand why should he not have done it that night, why have asked these men to come the next day? It was a deed of darkness, yet he seeks day light for it. Nullamuthu gives his evidence as to this same conversation. According to his story he asked for time which was granted by the Tahsildar. He waits for his friend, they go along with the Tahsildar, return home and go again the next morning. Now what evidence is there here. There is the Tahsildar's denial on the one hand, and his evidence of the two agents of Shunmugam Pillai on the other; and I submit that, after weighing both, your Honor can come to no other conclusion than that the story is untrue.

The next branch of the charge against the Tahsildar is as to the taking of the bribe of Rs. 2000. The 5th and 6th witnesses speak to this. With reference to the 5th witness, Gopal Iyer, he is a man utterly untrustworthy. Here I must express my regret that I had not the opportunity of observing the demeanour of this witness in Court, and I do not know whether your Honor has made any remark. This witness said he was a servant of Oolagathal, but this was contradicted by all the other witnesses called for the defence. He admitted too that he was a dismissed Kurnum—dismissed by the Tahsildar—that he (witness) was committed by the Tahsildar on a charge of Forgery and that he was convicted by the Sessions Court. It is true the High Court reversed the sentence but that did not alter the case very much so far as his feelings were concerned towards the Tahsildar. The very circumstance that the defendant sent him up for trial shews that Gopal Iyer could not have entertained the best of feelings towards him. He lost his place as Kurnum on account of that affair, and we can understand too that he has come here backed by his employer—Shunmugam Pillai—our noted enemy. The other witness, Ramalingam, also stated that he was a servant of Oolagathal, but this too was contradicted by all the other witnesses; and he is sworn to be in the service of our enemy Shunmugam Pillai. There seems to be some connecting link between these two, and there is a very strong presumption for supposing that Shunmugam Pillai is at the bottom of the case. Gopal Iyer considered that the Tahsildar was the cause of his ruin, and wished to have him removed from the district. Now, your Honor, he speaks as to the communication during the registration of the document when the Rupees 2,000 were asked for. Four people were named as being present at the conversation, and yet the Prosecution do not call any one of these four men. Now until the defence produced these people where were they? Here we have another unfair proceeding. The object of a prosecution is to get at the truth, and not to get a conviction *per fas et nefas* and thus to get rid of the Tahsildar! The prosecution, I say, did not act fairly in withholding the evidence of these people from the Court. The Court should have had as much information and light as possible on the case. Now, your Honor, we called these parties as witnesses for the defence, and I do submit that they gave their evidence fairly and as witnesses should, and they were not shaken at all in the cross examination. They one and all gave very decided information and evidence as regards what took place at the registration. They denied that the Tahsildar asked for the bribe or said what he is alleged to have said. What object could these men have had in coming forward and denying that Gopal Iyer and Ramalingam were servants of Oolagathal if they were really her servants? The taking of the money is also deposed to, and Seshagiri, it is stated, was present, and that the Tahsildar told him to count the money out. Seshagiri was not called by the prosecution, but we called him and he denied all this! As to Ramalingam's evidence, his statement that he was a bandy-driver in the employ of Oolagathal was contradicted by all the other witnesses. And then he gives us an extraordinary account as to how he came to be called as a witness in this case. He told his mistress he was summoned and got leave. Then he makes out that he did not get the summons till he got to Srirungam. He got leave before the summons was served on him! This witness evidently was not speak-

ing the truth. (Mr. Brandt observed that the witness was certainly prevaricating.) Then as to this witness I regret exceedingly that your Honor did not permit him to be recalled and to be examined as to the proceedings of the Sessions Court sanctioning his prosecution for perjury. As to the documentary evidence there is Oolagathal's petition sent in after the alleged giving of the bribe that the Tahsildar had not behaved properly to her but was shewing favor to Shunmugam Pillai. If the Tahsildar, as it is stated, had favored Oolagathal she would not have sent in this petition, making the same complaint against the Tahsildar as Shunmugam Pillai was doing. With reference to the collection of the kist the collector ordered the Tahsildar to take the kist from any one who claimed an interest in the land or the crops if it had not been already collected. The Tahsildar was acting as he was directed by Mr. Pennington to act and throughout, I submit, he was acting honestly. There is nothing to shew that he was acting fraudulently. Until he received Mr. Pennington's order he did not receive any kist; this is a circumstance which should be considered. (After some further remarks regarding the collection of the kist Mr. Miller concluded.) Taking all this into consideration, I submit that the Court can come to no other conclusion than that my client is "not guilty" of any of these charges.

Read the following Despatch from the Right Honourable the Secretary of State
for India.

Revenue
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India Office London,
30th September, 1875.

The Despatch of Your Excellency in Council dated 28th June, No. 19 of 1875, transmitting a Memorial from Setu Row, Late Tahsildar of Museri, in the District of Trichinopoly has been considered by me in Council.

2. The Memorialist complains of the conviction and sentence recorded against him on charges of receiving illegal gratifications. The case has been dealt with by the District Magistrate of Trichinopoly and on appeal by the District Judge. Your Excellency in Council does not recommend any mitigation of the sentence passed.

3. I see no reason for doubting the propriety of the conclusions at which the Magistrate and the Judge have arrived in two out of three charges prepared against the accused. I shall not, therefore, in any way interfere in favour of the Memorialist.

I have, &c,
(Signed) SALISBURY.

To
His Excellency the Honourable the Governor in Council Fort St. George.
No. 27.

Order thereon, 2nd November 1875, No. 1,560.

Miscellaneous.

Communicated to the Board of Revenue who will cause the decision of the Secretary of State to be made known to the Memorialist.

(True Extract)
(Signed) L. H. CAMPBELL,
Under Secretary to Government.

To
The Board of Revenue Miscellaneous, No. 10109.

Communicated to the Collector of Trichinopoly, who will inform the Memorialist accordingly.

(By Order)
(Signed) C. A. GALTON,
Acting Sub-Secretary.

Revenue Board Office,
Madras, 10th November, 1875. }

Communicated to Setu Row Late Tahsildar of Museri, through the Head Assistant Collector.

(Signed) HENRY SEWELL,
Acting Collector.

Trichinopoly, 13th November, 1875.

(True Copy)
(Signed) S. H. WYNNE,
Assistant Collector in charge of Head Asst. Collector's Office.

Forwarded to Museri Tahsildar for transmission to Setu Row.

(A True Copy.)

In No 2921/1876

21/11/75

1576/6

The Humble Memorial of M. Setu Row,
formerly Tahsildar and Magistrate of
Museri Taluq, Trichinopoly District, in
the Presidency of Madras, India.

MOST RESPECTFULLY AND HUMBLY SHEWETH,

1. Unable to obtain redress from the Local Government for the many illegal and high-handed proceedings that were passed in the case of the Memorialist who was most wantonly convicted on a charge of bribery—a charge conjured up by the malice of the Head Assistant Collector and supported by the flimsy testimony of notorious perjurers convicted criminals and declared enemies stirred up by the same official,—the Memorialist most humbly and respectfully begs Your Lordship's permission to commend the details of a case, as lamentable as it is unjust, to Your Lordship's patient and attentive consideration. While on the one hand the Memorialist has to thank the Genius of British legislation for the wise laws it has framed for Indian administration, he cannot, on the other, help decrying the conduct of some of the gentlemen to whom it is entrusted, who, in the wild excess of their passion, set the laws at naught and indulge themselves in high-handed proceedings, escaping the castigation they richly deserve at the hands of the Government, by the influence of some friend or relation in the Secretariat or the Executive Council, and by the general partiality which, there is no use concealing, is shown to the ruling class. The Memorialist begs to refer Your Lordship to the present case which is but too full of such unfortunate exhibitions.

2. Memorialist was charged on the 2nd June 1874 before Mr. F. Brandt Acting District Magistrate, of Trichinopoly, Presidency of Madras.

1stly.—With having attempted about two years previously 'date unknown' to receive a bribe from one Shunmugum Pillai.

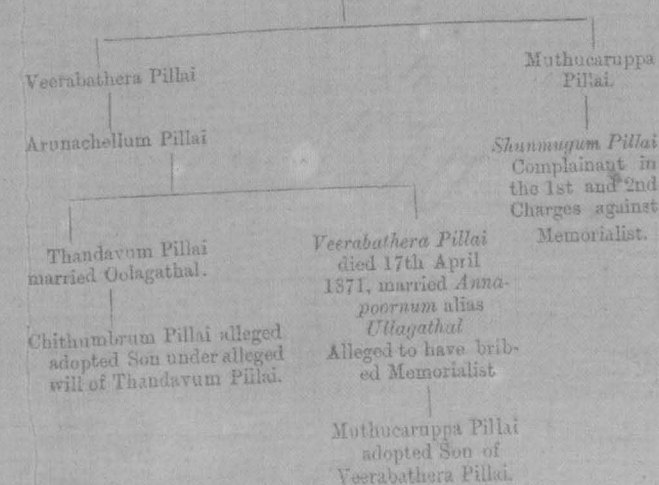
2ndly.—With having on 20th May 1872, accepted 'from one Ullagathal, alias Anna-poornum (Shunmugum Pillay's cousin-in-law) a gratification other than legal remuneration that is to say a sum of 2,000 Rs.'

3rdly.—With having received on 12th or 13th February 1874 'precise date unknown' Rs. 100 as a bribe from Aroonachella Reddi, who along with seven others had been tried and convicted by Memorialist on a charge of hurt.

The 1st and 2nd heads of charge formed the subject matter of enquiry in Case No. 52 of 1874 & the 3rd formed the subject matter of Case No. 46 of 1874 on the file of the District Magistrate, and on all three charges Memorialist was convicted and sentenced on each count of Case No. 52, to suffer simple imprisonment for six months, and to pay a fine of Rs. 1,000 and in Case No. 46, to a similar punishment, the three sentences to be cumulative.

3. Memorialist begs to state the origin of the charges in Case No. 52 in the following

* ORIGINAL HOLDER AND COMMON ANCESTOR.
Thandavum Pillai



few lines. There were 2 cousins * named Veerabathera Pillai and Shunmugum Pillai in enjoyment of the Iyempolium Estate. On the 17th April 1871 Veerabathera Pillai died, leaving behind him his widow Ullagathal, who claimed to be in possession of a moiety of the family property, as there had been a division between the cousins previous to the death of her husband. Shunmugum Pillai denied the division alleged by her and claimed to be in possession of the whole of the family property. The parties, instead of going to Civil Courts to establish their claims in a regular

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suit, had recourse to summary proceedings of various kinds in Magistrates' Courts. Shunmugum Pillai endeavoured before Messrs. Clogston, Austin, and Happell, the Head Assistant Magistrates in the years 1871-1872-1873 respectively, to obtain an order declaring that he was actually in possession of the whole of the family property and that Ullagathal disturbed his possession, but with no success, as they, one and all, considered that there was no ground for their interference in their Magisterial capacity and further were of opinion that Shunmugum Pillai tried to settle the question of division by these summary proceedings, instead of

* Vide Exhibit K.

a regular civil suit, hence their refusal* to interfere. In the meanwhile, these two parties were not idle and they had also recourse to the Revenue Courts as to their right to pay the Government Revenue. Shunmugum Pillai alleged that he was entitled to pay the Government Revenue for the estate, because the family was undivided, but on the other hand Ullagathal maintained that she was entitled to pay the moiety of the Government Revenue on the whole estate, as she was in enjoyment of the moiety of the family lands enjoyed by her deceased husband as a divided member. Mr. W. S. Whiteside Collector and Magistrate of the District settled the question as to

Vide Exhibit No. I.

who should pay the Government Revenue, by conclusively ordering* on the 13th March 1872 'that the Kist (Government Revenue) on the several portions of the family land and also Income-Tax thereon shall be paid by the parties in occupation or by their representatives and that until restrained by an order or decree of a competent Court, Ullagathal widow of the late Verabuthera Pillai shall continue to pay Income-Tax and Kist on the lands held by her deceased husband.' And this Order is of utmost moment in the present case and Your Excellency in Council will kindly note, that it was passed *without* any representation by Memorialist on behalf of Ullagathal.

* Vide Exhibit Nos. II and III.

Against this decision of the Collector Shunmugum Pillai preferred* an appeal to the Board of Revenue who directed* on the 14th June 1872 that Revenue should be received from Shunmugum Pillai. By virtue of this order Shunmugum Pillai's mere responsibility for payment of Revenue was recognized but he was not placed, as he coveted, in possession of the moiety of the family lands that had remained in the enjoyment of Veerabuthera Pillai and of Ullagathal the wife after his demise. Shunmugum Pillai was accordingly paying till December 1872 the Revenue due from Ullagathal. But he did not relish the idea of being made to pay the Revenue due on account of lands, the produce of which was enjoyed by another viz., Ullagathal the cousin-in-law. Hence Shunmugum Pillai had to fall upon a new device to compass his end to obtain possession of Ullagathal's lands and that was to complain to the Revenue authorities of inability to meet the

* Vide Exhibit No. V.

demand of Govt. & to request* attachment & sale of crops, whereby it was intended that the crops grown by Ullagathal should be attached in satisfaction of Revenue due not only from her but also of what was due from himself. Mr. Austin the Head Assistant Collector then in charge, complied with the request under the Revenue Recovery Act II of 1864 (Madras). Memorialist was entrusted with the execution of Mr. Austin's Order and attached crops of Ullagathal. This dowager lady was alarmed by Memorialist's coercive measures and carried her complaints first to Mr. Moore who had succeeded Mr. Austin and who affirmed Memorialist's proceedings and then to Mr.

* Vide Exhibit No. VI.

Pennington the then Collector* on the 4th July 1873 requesting that she might be allowed to pay the assessment due and so release what she called her crops from attachment and protesting against the attachment and sale of crops for arrears due by Shunmugum Pillai. Mr. Pennington replied to the effect that he saw no objection to her doing so, as under section 35 of Act II (Madras) 1864, any one claiming an interest in the land or in the crops attached might pay the assessment to release it and that if the Head Assistant Collector had given any orders contrary to this they should be considered cancelled. Ullagathal gave herself the benefit of the Order and paid on the 25th July 1873, Rupees 491-11-5 for the release of her crops in the Karacad Village,

* Vide Exhibit No. VII.

and Memorialist, to whom Mr. Pennington's order* had been directed, accepted payment from Ullagathal. In the meanwhile Shunmugum Pillai was undeceived and hastened to proffer payment of all arrears including the portion which had been accepted from Ullagathal and instead of making payment at the Museri Taluq Treasury under Memorialist's charge went and paid* at the District Treasury in Trichinopoly on the 7th August 1873.

* Vide Exhibit No. XV.

4. Finding that his scheme had thus miscarried, Shunmugum Pillai, always fertile in intrigues, proposed to himself that he should disturb the possession of Ullagathal in December 1873. When Ullagathal complained of the disturbance under Section 530 of the Criminal Procedure Code, Mr. Moore following the precedents of Messrs. Clogston, Austin, and Happell, his predecessors in office, dismissed* her petition, referring the complainant to a

Vide Exhibit L.

Civil Court. Then, on or about the end of December 1873, Shunmugum Pillai put in a petition under the same section and com-

plained of having suffered disturbance in the self same acts that had formed the subject of Ullagathal's complaint and Mr. Moore on that application restored Ullagathal's petition to his

Vide Exhibit M.

file and held an enquiry about it under section 530 of the Criminal Procedure Code and decided* on the 18th January 1874 with

the gravity of a civil tribunal that 'the family' had ever been 'an undivided one' and that Shunmugum Pillai was 'in possession of all the ancestral landed property' notwithstanding that Magistrates, under orders from the High Court, could decide nothing more than who was in possession during the three months preceding complaint, departing in this respect from the course pursued by Messrs. Clogston, Austin, and Happell, his predecessors in office, who had all referred Shunmugum Pillai to a Civil Court. Soon afterwards there arose a rumour to the effect that Mr. Moore had passed the present decision, in consideration of his enjoying Shunmugum Pillai's Bungalow at Museri rent free, and also in consideration of 7,000 Rs. received from Shunmugum Pillai, the decision being in contravention of the decisions of three of his predecessors on the subject of similar petitions, presented by the same man and also of his own order in December 1873. Memorialist's three discontented subordinates viz., Adeikalum Pillai, a Taluq Gumustah, who had been at one time dismissed* for having brought

Vide Exhibit N.

a false charge of bribery against his immediate superior an overseer in the Tanjore District, Sachethananthum Pillai, the Manager

of Peramur Minor Estate who then stood accused of several charges of theft before Memorialist, and one Syed Saffa Sahib, Revenue Inspector that had cheated Government in a fishery sale, and some other enemies were not slow in misrepresenting to Mr. Moore that Memorialist had been instrumental in circulating this rumour, while Memorialist had not done so (Vide Memorialist's defence statement in case No. 46). And indeed Mr. Moore deposed in the course of Memorialist's trial to having learnt further that Memorialist had been over-heard in a private conversation with Mr. Pennington to accuse him of having been under obligation to Shunmugum Pillai. Mr. Moore was led to suppose that Memorialist had injured his reputation. It is to Mr. Moore's prejudice, thus or however conceived against Memorialist, that the cases described and commented on in the following paragraphs, and which have resulted in Memorialist's conviction, degradation and imprisonment, are chiefly owing. Mr. Moore naturally sought to revenge himself upon Memorialist and failing of fair means, began to fabricate cases of bribery against him. Memorialist cannot help being so positive in his averments regarding Mr. Moore as his conduct in connection with Memorialist's trial has betrayed anything but an honest regard for justice and Mr. Brandt in his letter to the Revenue Board dated 27th June 1874 states 'Mr. Moore was personally interested in the prosecution of' Memorialist. About this time in accordance with certain arrangements made by Mr. Pennington the District officer, Mr. Moore left his station Museri for Trichinopoly, naturally belonging to Mr. Pennington for conducting the Annual Settlement of the latter Taluq, and Mr. Pennington himself arrived at Museri, the Annual Settlement of which he had taken upon himself. Nearly two months passed quietly before the Annual Settlements were completed and Mr. Pennington was able to return to Trichinopoly, where Mr. Moore, having likewise just then finished his own Settlement of the Trichinopoly

* Vide Mr. Moore's evidence pages 12 and 13 of Proceedings in case No. 52.
* Vide Ditto.

Taluq, met* Mr. Pennington on or about the 22nd April 1874, before rejoining his Division and Memorialist's Taluq of Museri.

In his conference with Mr. Pennington Mr. Moore admits* having requested that officer to suspend Memorialist on his 'reporting to him officially regarding' some charges which he pretended to have discovered. Mr. Pennington declined to suspend Memorialist but at the earnest solicitations of Mr. Moore agreed to remove Memorialist to the charge of a distant Taluq. How the order of Mr. Moore and

Vide Mr. Moore's evidence page 13 in case 52.

Mr. Pennington as influenced by him got the better of their judgment is clear from their having resolved, independently without previous sanction of the Board of Revenue, to transfer Memorialist to Woodiarpalium, one hundred miles from Museri and from the precipitate manner in which the Tahsildar of the latter Taluq was sent for and directed to proceed to

* Vide Exhibit C.

* Vide Ditto C.

Memorialist's station and relieve Memorialist, the order* of Mr. Pennington's, addressed to Memorialist on the subject, being placed in the hands of the relieving officer* himself for delivery to Memorialist. It behoves Memorialist at this stage to make the following remarks.

In the course of Memorialist's trial, which took place subsequently, Shunmugum Pillai, complainant in the first case, stated* on the 3rd June, 1874

* Vide pages 3 and 4 of evidence in case No. 52.

* Vide page III. of evidence in Case No. 46 (4th and 5th line from bottom of page.)

that he preferred his complaint for the first time to Mr. Moore '20 days since' and Arunachella Reddi complainant in the 2nd case stated* that he 'told Mr. Moore about the bribe after the appeal was decided in my (his) favor' on the same day that Me-

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Memorialist's decision as Sub-Magistrate was reversed, which was on the 1st May 1874. It is therefore wonderful that at the conference* with Mr. Pennington on the 22nd April preceding, Mr. Moore should have been able to divine what information was laid against Memorialist on the 1st and 14th of May and that between Mr. Moore who had been away from Museri for two months and who had had nothing to say against Memorialist, when he left Museri for conducting the Annual Settlement of the Trichinopoly Taluk and Mr. Pennington, who had just then returned from the Settlement of the Museri Taluk and who could not express any opinion* of his own even after the conference, it should have been arranged that Memorialist should be transferred to a distant place. The unavoidable inference is that Mr. Moore had taken into his confidence secret emissaries who, on the one hand, furnished him with the means of informing Mr. Pennington on the 22nd April that there were 'serious charges' against Memorialist, and on the other, induced complainants to come forward at subsequent dates, namely on the 1st and 14th May respectively to prefer those charges.

* Vide Exhibit E.

Vide para. 1 Exhibit E.

Vide para 2 in E.

list's prosecution during his absence at a distant place. It may not be amiss for Memorialist respectfully to call Your Excellency's attention to the contradictory statement of Mr. Moore in saying* that Memorialist's 'transfer was for reasons in no way connected with the present charges,' against Mr. Pennington's statement in the report* to the Board of Revenue that the transfer had been made 'pending an inquiry ... by Mr. Moore.' In obedience to the orders* of Mr. Pennington, Memorialist left Museri on the 30th April 1874 to join the

Woodiarpalim Taluk and Mr. Moore who returned after an absence of two months arrived at Museri on the evening of the same day. On the 2nd of May 1874 Mr. Moore rushed into Memorialist's house all on a sudden without any previous notice with a search warrant in his hand in company with Adukalam Pillai, Sachethanantham Pillai and Syed Saffa Sahib, alluded to once before as Memorialist's enemies, to see if he could find the means of criminating Memorialist. Your Excellency in Council will graciously note what should have been Mr. Moore's motives in sanctioning and carrying out under his personal direction, this unauthorized and illegal search into Memorialist's house without any cause. The Board of Revenue on receiving Mr. Pennington's report* disapproved of the measure and passed the order quoted below— "The Board consider it

* Exhibit E.

most objectionable in every way that a Tahsildar should be sent away to a distance in order that serious charges against him may be inquired into in his absence and behind his back. If the Collector feared that the Tahsildar's influence would prevent witnesses from coming forward against him, and there was sufficient cause for believing it necessary, the Tahsildar should have been suspended. 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." On the receipt of the foregoing Order from the Board of Revenue, Mr. Moore made false representations to Mr. Brandt, who had just then relieved Mr. Pennington as District officer temporarily for a few weeks, who had never been in the District before and who was therefore entirely guided by the representations of Mr. Moore and thus got him to write to the Board as if some six charges were pending against Memorialist and, that these were feint, their needs no other proof than that all but the two present cases were renounced. Mr. Brandt in his letter to the Board of Revenue speaks of a *Dacoity having been treated* as assault* by Memorialist in the capacity of

* Vide Letter No. 105 dated 11th May 1874 herewith filed.

Vide para 26 of the Magistrate's Calendar No. 46

Sub-Magistrate, on receiving a gratification of 100 Rs. while in reality no *Dacoity* had taken place & it was with Mr. Moore that the original complaint was lodged & Mr. Moore had ordered Memorialist to take it up 'as a case of hurt' only. Mr. Brandt observed in the same letter that Memorialist had taken 'a bribe from one of the parties to the dispute about the Iyempolium Estate.' This observation was deliberately guarded to allow great latitude to the machinations of conspirers against Memorialist and because they were certain that Memorialist's official correspondence in connection with this estate, one of numerous intricate Revenue concerns, could be easily used to yield a foundation, on which to erect a vast fabric of crime against Memorialist, as all such correspondence must discover a favourable tone to one or the other of the parties claiming an estate. Mr. Brandt

* Vide Para 1 in G.

himself 'thought* at first that it (the first case) would not show, or might not show, more than partiality and inexplicable conduct in regard to the dispute between Shunmugam Pillai and Ullagathal.' Up to the 2nd June 1874, the day on which Memorialist's Criminal trial commenced, the only information he had received was that he was to be tried *departmentally** and naturally of course no Counsel was retained. This misrepresentation as to the nature of the enquiry was purposely made

*Vide Para 2 Exhibit G.

to deprive the Memorialist of the aid of an able Counsel from Madras. On the very day that the departmental enquiry was to have commenced, Mr. Brandt suddenly announces it is to be a criminal trial and instantly puts the Memorialist upon his defence without granting a reasonable time to prepare his defence, though requested and closes the prosecution in a single day in each case. Memorialist here begs leave to observe that according to the rules of Local Government sanction to prosecute a Tahsildar in his Revenue capacity must be given by the Board of Revenue after they shall have gone into the evidence and asked the Tahsildar for an explanation, but in the present case the Board of Revenue did neither and gave their sanction on the bare misrepresentation of Mr. Brandt's letter where he says that a case of dacoity had been proceeded with by Memorialist as one of assault. And sanction to prosecute a Tahsildar in his Magisterial capacity must be given by the Government themselves after they shall have gone into the evidence and asked the Tahsildar for an explanation, but in the present case the trial was conducted even before obtaining the sanction of Government who granted it by Telegram without going into evidence and calling for an explanation, after prosecution had closed. Had the Board of Revenue or the Local Government called for an explanation from Memorialist before sanctioning his prosecution on Mr. Brandt's application alone, Memorialist would have been saved the disgrace inflicted maliciously on him with a high hand. After prosecution was closed, unable to resist the evidence of strong bias against him on the part of the Head Assistant Magistrate, Mr. Moore, who had been so conspicuously active in 'getting up' the evidence which was simply reproduced in the District Magistrate's Court, and who leaving Museri his head quarters and without availing himself of the privilege leave he had then obtained, persisted in attending the trial and even suggested questions to the Sessions Court, where he would be tried by a Judge and Jury who were then uninfluenced by Mr. Moore. But this reasonable request was not granted at the instance of Mr. Moore who was sure that the charges would not be proved and that conviction would not follow and that this request was very reasonable will be clear to Your Excellency in Council from a recent ruling of Local Government based on Memorialist's case that all Tahsildars and Magistrates, Deputy Tahsildars and Magistrates, should be tried exclusively by the Sessions Court. Another important consideration is that all the witnesses for the prosecution had been privately trained and exercised in the evidence they were to give during the irregular and illegal *ex parte criminal investigation held by Mr. Moore in the absence of Memorialist* when the statements of every one of them had been taken down on oath prior to sanction having been given for any prosecution whatever. And when Memorialist did at length succeed in procuring Counsel from Madras, the permission requested by the Counsel to cross-examine the witnesses for the prosecution, under Section 218 of the Criminal Procedure Code, was most illegally refused by the presiding Magistrate, Mr. Brandt, who was apprehensive of the consequences of a skilful cross-examination, although all the witnesses were present in Court and in direct violation of the following benevolent order of Government in explicit terms, and frequent subsequent orders (not just now within Memorialist's reach), emphasizing its due observance.

II.—"The Governor in Council further desires that the Board of Revenue and Courts of Sudder Foudaree Udalt will, by Circular orders, impress upon all Officers under their control, the necessity of careful and close examination of all charges brought against their Native Public Servants. If on the one hand those servants are to be held strictly responsible for the due exercise of the powers entrusted to them, and any abuse of those powers is to entail severe punishment, it is at least absolutely necessary, both in justice to the individual and to the public interests, that the servants of Government should not be convicted on light or insufficient grounds, should not be sacrificed to mere clamour nor caught by plots concocted purposely to entrap them. It is indispensable that the investigation into the alleged offences should not be hastily nor imperfectly conducted, that every opportunity be afforded to the accused of proving their innocence, that the evidence both against them and in their favour be closely sifted and carefully weighed, so that their guilt if they are found guilty, be not left as a mere matter of surmise, but the conviction be such as to follow necessarily from a reasonable and dispassionate consideration of the entire case."

6. The above paragraphs contain a brief review of the several unjust measures taken to pave the way for a criminal trial of Memorialist and therefore it is at this place for Memorialist to explain in detail further than in paragraph 2 of this Memorial the criminal charges actually brought against him, before commenting on them.

Firstly. Memorialist was accused of having attempted about the year 1872 to receive other than legal gratification from Shunmugam Pillai. In this case Shunmugam Pillai was the complainant and his evidence as 1st witness is the forte of the prosecution. Two of his agents Nullamutha Pillai and Narayana Aiyengar were the other witnesses. The documentary evidence adduced by the prosecution consisted of certain letters written by Memorialist in his official capacities as Revenue Officer and Magistrate in which the prosecution pretended that views hostile to Shunmugam Pillai's interests were expressed by Memorialist, because he failed to obtain the gratification sought for.

Secondly. Memorialist was accused of having received other than legal gratification amounting to 2000 Rs. from Ullagathal on the 20th May 1872, when this Ullagathal a lady of position took the option allowed by section 31 of the Indian Registration Act 8 of 1871 (Imperial) of requesting Memorialist in the capacity of Sub-Registrar to register at her residence a deed of loan executed by her and Memorialist had to comply with the provisions of the Law and accordingly went and registered the deed. The complainant in this case was the same Shunmugam Pillai, and two of his employers viz. Gopala Aiyer and Ramalingam were the witnesses. The prosecution contended that crime was probable in this case from the fact of Memorialist's having met with a refusal when he attempted to receive bribe from Shunmugam Pillai in the 1st case and from the fact that the documentary evidence adduced in the 1st case discovered favorable mention of Ullagathal's interests.

Thirdly. Memorialist was accused of having received other than legal gratification amounting to Rs. 100 in order to acquit Defendants in a case in which he had convicted them. The witnesses in this case were five in number, three of them were defendants themselves named Arunachella Reddi, Narrain Reddi, and Nallappa Reddi and two were unconnected with the case Memorialist had disposed of, one purporting to have lent money to the Defendants and alleged bribers in the case of Memorialist's and the other being a peon of Mr. Moore's office.

Mr. Brandt the Magistrate convicted Memorialist in the two cases. Memorialist appealed against this conviction to Mr. E. F. Webster the Session's Judge. The latter annulled the conviction on the 1st count and maintained conviction on the others.

As the first count in case No. 52 has been quashed by the Sessions Judge Memorialist confines his remarks to the second count in case No. 52 and case No. 46, the remarks which immediately follow referring to the former.

7. It is a most astonishing circumstance that in all the cases in which Memorialist has been convicted, the main stay of prosecution has been the evidence of such persons, as Shunmugam Pillai, Arunachella Reddi, Narrain Reddi, and Nallappa Reddi who will be seen from records to have been the deadly enemies of Memorialist and who had either already obtained particular favour from Mr. Moore or were before him as Appellants from the decision of Memorialist as Sub-Magistrate. And Memorialist most respectfully submits that the arbitrary removal of Memorialist to a distant place, while yet there were no complaints against him, Mr. Pennington the then District Officer having just then left Museri after a stay of two months without receiving any complaints and in order that evidence might be collected behind his back and charges framed, and all this without the sanction of the Board of Revenue being obtained for removal, the entertainment of complaints against Memorialist by Mr. Moore some weeks before receiving the authorization of the Board of Revenue, which is provided for in sections 142 and 466 of the Criminal Procedure Code, the arbitrary and the illegal search of Memorialist's house during his absence by Mr. Moore and the mysterious manner of Mr. Moore's originating the charges and conducting his unauthorized preliminary examination, all these plainly evidence the deep-rooted malice which lead Mr. Moore into all high handed and illegal proceedings. Memorialist was then and there informing the Local Government and Board of Revenue of Mr. Moore's attempts by Petitions and Telegrams which are hereto appended.

In annulling the conviction on the first count in Case No. 52 of the Magistrate's Court, His Honor Mr. Webster records an unqualified disbelief in the evidence of Shunmugam Pillai, very favourably noticed by the Court of the first instance and this man was the author and originator of the charge in the second count, that Memorialist received a

bribe of Rs. 2,000 from the woman Ullagathal, counter-claimant to Shunmugam Pillai. It is significant that when the Magistrate convicted Memorialist on the 2nd count he laid great stress on the fact that the 1st count had been brought home to him and to this he traced the probability of Memorialist's having committed the offence he stood charged within the 2nd Count and the Sessions Judge entirely disbelieves the evidence for the 1st Count and acquits Memorialist of the offence therein contained, but affirms the conviction on the second count. One ludicrously disposed could not help comparing this act of the Sessions Judge to an attempt to maintain the superstructure of a building, of which he had pulled down the ground floor. Your Excellency in Council will be pleased to observe that what is called documentary evidence by the District Magistrate consists, to quote the words of the Sessions Judge 'of orders written to him' (Memorialist) 'by his superiors, of his replies to those orders and of (official) correspondence' and 'this is held by the Magistrate to be corroborative of the direct evidence of Shunmugam Pillai' to whom some of the above official correspondence had happened to be adverse. Memorialist requests Your Excellency's permission to extract para 12 of the Sessions Judge's Judgment.

"I am clearly of opinion that it does not advance us one step in deciding whether the accused is or is not guilty. The effect of the evidence is to show on the part of the Tahsildar a marked leaning against Shunmugam Pillai but assuming for the moment that every step taken by the accused was unfair and dishonest, how is it possible to draw the conclusion that the unfairness or dishonesty was caused by Shunmugam's refusal to give the bribe asked for?"

If the evidence of Shunmugam Pillai, indeed a respectable man and described to be one by the Magistrate in para 37 of his Calendar and that of his two agents, would not corroborate the documentary evidence and ensure conviction in the first count which is the view taken by the Sessions Judge in the above para, Memorialist respectfully begs to ask, how could the evidence of two persons such as Gopala Aiyer and Ramalingam, who had no character for a veracity as explained elsewhere in this Memorial and upon whose evidence the Magistrate 'would have hesitated before convicting a Tahsildar,' be taken to corroborate the same documentary evidence and thought sufficient to justify a conviction?

Again if all official correspondence "sufficient to raise a very strong presumption of guilt" should be taken into notice by Magistrates and the oral evidence of the party aggrieved by such official correspondence be thought sufficient to establish a crime every officer of the Revenue and Judicial Departments in India which always dispose of disputes between two parties and must necessarily favour the claims of one of them would be in danger of a fatal criminal prosecution and conviction.

The theory of the prosecution in the second count, and the only possible pretext for believing that Memorialist might have received a bribe is, 'the extraordinary favor shewn to Ullagathal after the date of the alleged bribe,* namely the 20th May 1872. This extraordinary favor consisted in receiving the Revenue on the 25th July 1873 from Ullagathal agreeably to the

* Vide para 70 of Magistrate's Calendar & 17 of Sessions Judge.

orders of Mr. Pennington dated 8th July 1873 exhibit No. VII and in representing that Shunmugam Pillai and Ullagathal were of a divided family and that Ullagathal was in enjoyment of her portion of the family lands. This theory is controverted at once by exhibits A and B (attached); two official documents which Memorialist had no opportunities of filing in either Court, but which shew clearly enough that so far from having commenced to espouse Ullagathal's cause from the date of the alleged bribe, Memorialist when called upon to make official representations in this same dispute so far back as 1869 and again in 1871, had stated precisely similar facts in favor of Ullagathal's husband then living—namely that the family was divided, because Ullagathal's husband and Shunmugam Pillai himself had made statements to that effect in 1860 before the Taluq Tahsildar, Memorialist's predecessor in office and these statements Memorialist had to adhere to throughout. Had Memorialist sided with Shunmugam Pillai in representing that the family was undivided, while the aforesaid Exhibits based on the statements of the above parties existed among the records of his office, Memorialist would have laid himself open to a charge of making two inconsistent statements as a public servant (which in itself amounts to an offence under the Penal Code) and Ullagathal herself could have stepped in to accuse Memorialist without difficulty and not in less plausible terms than Shunmugam Pillai has used with success in the present case. And yet Mr. Brandt's conviction denotes that Memorialist should have done exactly this!!! Read by this light, the documentary evidence relied on by the prosecution does not support the theory of bribery in the least degree as Memorialist's conduct towards Ullagathal both before and after the date of alleged bribe had been uniform. The alleged date of bribe is the 20th May 1872. Charge Nos. 1 and 3 were framed without precise date and indeed charge No. 2 had

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been traced to no precise date either at Mr. Moore's preliminary enquiry. The vague expression of two years previously had been entered and the occasion of Registration at Ullagathal's house had been pointed to by none at Mr. Moore's enquiry. It was however afterwards felt that assigning of a particular date would be necessary at least to one of the charges; so Mr. Moore searched into the Taluq records and finding that Memorialist had proceeded on the 20th May 1872 to Ullagathal's house on duty, and that this must of necessity be admitted by Memorialist, Mr. Moore tutored witness Gopala Aiyer to mention that date. That this date was pitchforked into the charge will further appear from the incongruity of supposing that Ullagathal, who was then in possession of her husband's lands and paying Revenue herself, under Mr. Whiteside's order, paid bribe to Memorialist, for a favor which she did not need to solicit then, as she had obtained it by Mr. Whiteside's independent order and as she could not anticipate any disturbance to her possession and consequently had no inducement to pay a bribe. As the case at present stands, made up by the prosecution and approved of by the Magistrate and Sessions Judge, Ullagathal should have had the prevision to know in 1872 when the bribe is alleged to have been paid, that the Board of Revenue would subsequently reverse Mr. Whiteside's order, Shunmugam Pillai himself would be paying for a year Revenue for the crops of Ullagathal's, he would request attachment of the crops in 1873, the crops of Ullagathal would be attached for the Revenue arrears of Shunmugam Pillai, Ullagathal would then complain to Mr. Pennington, and this Mr. Pennington would order Memorialist to receive Revenue from Ullagathal and Ullagathal would be simple enough to understand for an act of favour what Memorialist had been directed to do by the District officer in 1873.

In para 69 of the District Magistrate's Calendar the arguments used in which the Magistrate considers to be most favourable to prosecution and to be decisive against Memorialist, the Magistrate lays great stress on the fact of some village Revenue Accounts having been suffered to continue in Ullagathal's name after the Board of Revenue ordered collection of Revenue from Shunmugam Pillai. Memorialist thinks that the Magistrate has misplaced the stress. The order of the Board of Revenue had no further meaning and could have been intended to convey no other than that Revenue should be collected from Shunmugam Pillai. Mr. Whiteside's order Exhibit No. I dated 13th March 1872 plainly proves that Ullagathal was in possession and she was paying Government Revenue. The order of the Board of Revenue did not decide the question of possession of lands and so even after the Board's Order, Ullagathal remained in possession of what she had been possessing and crops continued to be raised by her year by year. When crops had to be attached, the name of the person who had grown them had necessarily to be coupled with the crops so attached, but the Board's order was strictly adhered to in the sale proceeds of the crops being credited as though they had been Shunmugam Pillai's. It will thus be evident to Your Excellency that the favourite argument of Mr. Brandt viz., that some Revenue accounts were coming in with Ullagathal's name in them cannot serve for a basis of Memorialist's conviction. The memorialist's communication with the Treasury Dy. Collector regarding the payment made by Shunmugam Pillai is considered unusual but Memorialist can see nothing unusual in it as Shunmugam Pillai had acted unusually in making payment of Revenue at the District Treasury in Trichinopoly instead of Memorialist's Taluq Treasury at Museri and in getting the payment carried to its proper head in the accounts Memorialist was necessitated to correspond with the Deputy Collector, besides a communication of this kind with a Deputy Collector in charge of Treasury and his orders can never have been imagined to be of any use in Judicial proceeding. A great deal of sophism is used by the District Magistrate and the Sessions Judge in their Calendar and Judgement para 69-18 respectively in connection with the fact that Memorialist received Revenue on the 25th July 1873 from Ullagathal and this act is interpreted by them as a violation of the orders conveyed in the proceedings* of the Board of Revenue

Exhibit No. II. dated 14th June 1872 which directed that Shunmugam Pillai was responsible to Government for Revenue. But it seems to your Memorialist an important point to have deserved the attention of both these Courts whether Revenue was received from Ullagathal by Memorialist before Mr. Pennington's order dated 8th July 1873 (Exhibit No. VII) authorized the receiving of Revenue from Ullagathal as the intriguing Shunmugam Pillai had pleaded inability to satisfy the Government Revenue apparently to secure attachment of crops enjoyed by Ullagathal and whether Revenue was received after Shunmugam Pillai came forward with cash to pay Government Revenue, having found that Ullagathal had profited by the step he had taken and paid the necessary Revenue from her own pocket. Memorialist having collected Revenue from Ullagathal in the interim between Mr. Pennington's order aforesaid and Shunmugam Pillai's offer himself to pay at the eleventh hour is the only 'extraordinary favour' Memorialist may appear to have shewn and from this argument of extraordinary favour Memorialist's guilt is presumed and the presumption is matured into conviction on the strength of Shunmugam Pillai's oral testimony. The District Magistrate

and the Sessions Judge again consider it to have been Memorialist's duty to remonstrate against Mr. Pennington's order as this order was in their view antagonistic to the order of the Revenue Board quoted above. Not to say that remonstrance if one had been attempted would in itself have been constructed into an act of insubordination, Memorialist humbly begs to state that Mr. Pennington's order was in strict conformity with the Revenue Recovery Act No. II of 1864 (Madras) and that Mr. Pennington reiterated (Vide Exhibit X) his original order in reply to a communication from Mr. Moore reporting* that Memorialist had

Vide exhibit No. 9.

received Revenue from Ullagathal and inquiring if Mr. Pennington's order authorizing this procedure on Memorialist's part was proper. Both the Courts have also omitted to attach any weight to the fact that money received from Ullagathal was credited to Shunmugam Pillai's account.

The oral evidence for the prosecution in the second count of Case No. 52 is so conflicting and contradictory and the antecedents of the two witnesses

* Gopal Aiyer and Ramalingum.

*who alone speak to having conveyed the money from Ullagathal's house and paying the bribe, are so disreputable that their evidence would not lead to conviction even in case of the meanest felon. Gopal Aiyer, who had been Kurnum (Village Accountant) subordinate to Memorialist, had been fined several times by Memorialist for concealment of cultivation, and had also been committed on a charge of Forgery, to the Session's Court by Memorialist where he was sentenced to six years' rigorous imprisonment and the fact that he was released on appeal to the High Court would clearly not, although Mr. Brandt thinks otherwise, allay his embittered feelings towards the Magistrate (Memorialist) who sent him up for trial, and got him dismissed from his situation of Village Accountant. This witness

* Vide para 44 of Magistrate's Judgment in Case No. 52.

had stated to Mr. Moore during the inquiry conducted by him that he had accompanied "two years previously" Parimanum Pillai and Ulaga Pillai, when these took 2,000 Rupees to pay Memorialist at Museri but he did not then say that bribe was paid on the 20th May 1872 or the day of Registration nor did he mention Ramalingum and Sella Mathu as having accompanied him. He gave a different version before Mr. Brandt, namely that he himself carried the money on the 20th May 1872 the day of Registration, accompanied, not by Parimanum Pillai and Ulaga Pillai, but by Ramalingum and Sella Mathu, of whom the former was a perjurer by profession and the latter was deceased for several years. Ramalingum, the other witness, was not only a notorious perjurer but had also been

* Vide exhibit II.

* Vide para. 45 of Magistrate's Judgment in case No. 45.

ordered by Sessions Judge to be prosecuted for giving false evidence concocting a case of Dacoity. * Ramalingum is admitted by the Magistrate himself to have 'prevaricated' * in the present Case. Evidently this was a suborned witness. When the Board's sanction was applied for, Gopal Aiyer was the only witness against Memorialist. Subsequently feeling that the testimony of a single witness would not do, Mr. Moore sought out a noted perjurer—Ramalingum—for a second.

The District Magistrate who observes in Para 65 of his Calendar "First came a bald statement" from the witness and who had stated in a letter to the Board of Revenue that the evidence given before him was that given before Mr. Moore "only amplified to a very great degree", finds it necessary expressly to state in the above paragraph that he could see "no appearance of the oral evidence having been got up to fit in with the theory raised by the prosecution." This is nearly propping up what would otherwise be set down for a lame case.

With regard to the defence witnesses on whose evidence the Sessions Judge records no finding Memorialist submits that they instead of being selected by Memorialist were those, that were stated by prosecution witness No. 5 to have been present on the occasion of Registration and on that of payment of bribe. These were unshaken in cross-examination and were moreover men of unblemished character and in this respect in marked contrast to the witnesses put forward by the prosecution. Their evidence establishes the fact that prosecution witnesses Gopala Aiyer and Ramalingum No. 5 and 6 on whose evidence conviction is based,

* Vide page 17 of evidence in Case No. 52 last two lines on page.

had never been in the employ* of Ullagathal but were in the service of Shunmugam Pillai. It is further proved that, of the sum of Rupees 2,000 mentioned to have been borrowed on the bond and referred to in para 63 of the Magistrate's Calendar, only Rupees 1,300 was paid by lender on the 20th May 1872 and that this was paid on the same day by Ullagathal the lendee for the Government Revenue due from her, the Board's order making Shunmugam Pillai responsible for Government Revenue not having been passed then. This oral testimony is corroborated by the entries of payment of

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Revenue in the Receipt Books of Village Accountants bearing that date, which the Magistrate coolly declares to be false, holding that the money received as lone was for being paid as bribe to Memorialist. Memorialist submitted that the entries spoken of were supported by the Taluq and Huzare (Collector's) Treasury Accounts, but the Magistrate declined to send for them and ascertain the truth. Your Excellency in Council can command the production of these accounts and satisfy yourself. On finding that the Magistrate had the boldness to declare Village Revenue accounts false, Memorialist requested that Ullagathal the alleged giver of bribe might be cited and examined as a witness, but the Magistrate most unjustly refused to do so. The Magistrate's expressions* "these entries are worse than worth nothing. Every Revenue officer

* Vide para 63 of Calendar 52.

knows how often false entries are made with ulterior objects in these receipt books, there is not the slightest proof that they were made at the time they purport" can have no other meaning but that the sum acknowledged in the entry was embezzled and misappropriated and he could and must have commenced criminal proceedings for embezzlement immediately. But Memorialist is positive that the accounts are genuine and that the village accounts tally with the Treasury accounts of Balance of cash rendered to the Accountant General; that the Local Government should not have taken the pains to determine the fact of payment which they could have easily done is a grievous misfortune. With reference to the money alleged to have been found during the search of Memorialist's house by Mr. Moore and the Magistrate's remarks that 'no explanation was given of this accumulation of money,' Memorialist begs to say that no explanation was demanded from him. When however the Police Inspector who accompanied Mr. Moore for the search was suddenly examined on the 12th June 1874

* Vide Inspector's Deposition Page 14. The box would be rather more than half a yard broad about three fourth yards in depth one yard in length.

that is long after prosecution was closed, he said, the box* contained 40 bags, each bag containing 1,000 Rs., both of which he admits to have merely guessed. Memorialist declared that it contained only 8,000 Rs. and could not possibly contain more than 12,000 Rs. and offered to produce the box to verify his assertion and cite Narayana Aiyangar who was present during the search to bear witness to the sum it actually contained. Before however the box and the witness could be produced the Magistrate passed the sentence.

Memorialist next proceeds to remark on case No. 46.

8. A complaint of Dacoity that never took place was made by one Sadasiva Reddi against Arunachella Reddi and seven others to Mr. Moore, who referred it for disposal to Memorialist directing him to take it up as a 'case of hurt.*' Memorialist held an enquiry and the charge being fully established against the defendants convicted them of hurt and fined them in various sums aggregating to Rupees 175. Memorialist is accused of having received in view to acquit them a bribe of Rupees 100 from the defendants so convicted by him. In the first place, it is absurd to say that a bribe was paid to the Memorialist by a party whom he convicted especially when the Memorialist had every facility to acquit them, if he chose, for he could easily have believed the *alibi* set up by the prisoners. In the second place the three witnesses put forward in the case were all convicted criminals. The evidence regarding the payment of the alleged bribe was that of first 3 witnesses as follows. The first witness for prosecution was Arunachella Reddi who had been convicted by Memorialist. He complained to Mr. Moore of having given Memorialist a bribe of Rupees 100 and if this complaint had been founded on fact he ought to have complained when he appealed from Memorialist's Judgment. He had also had opportunities of making the complaint to Mr. Pennington while he was at Museri hence it is a point of considerable importance for Memorialist to urge that the first complaint of bribe in this case was made to Mr. Moore after Memorialist's Judgment under appeal was reversed to gratify the complainant. Mr. Moore at the time made some very strong remarks to the effect that this Judgment savoured of dishonesty, and after he had done so the charge of bribery was at once made on the same day and witnesses were waiting. And the District Magistrate, in

* Vide para 23 of Calendar 46 and 3 of Session Judges Judgment.

trying your Memorialist, endorsed Mr. Moore's views.* But the Sessions Judge, on appeal pronounced in explicit terms* that he saw "no signs of dishonesty here." Besides, Arunachella Reddi stated, the money alleged to have been paid as bribe was borrowed by him from the 5th witness. It is a grievous misfortune and has contributed much to the miscarriage of Justice in this case that permission was not accorded for him to be rigorously cross-examined by Memorialist's Counsel, for it would then doubtless have appeared that the Rupees 100 stated to have been borrowed by him was devoted to paying the fine of Rupees 175. Memorialist

had levied in the Judgment out of which this charge of bribery arose. If not, Memorialist would respectfully suggest the question.—Where did the money come from to pay this fine? Arunachella Reddy and his co-defendants were admittedly so poor as to be driven to borrow for this purpose, and yet no other but the one loan is spoken of. Neither the Court of the first instance nor the Appellate Court considered that Arunachella Reddi a poor stranger at Museri could not have found facility to borrow for purposes other than the payment of the fine. The 2nd witness is a peon in the Head Assistant Collector's Office under Mr. Moore. He was an enemy of Memorialist's because Memorialist had decided against him in a case in which he and another were in dispute about a house. Moreover, is it not improbable that Memorialist should have taken a bribe in the presence of a peon belonging to the office of a Magistrate possessing appellate authority over Memorialist. The witness says that he was present when Memorialist convicted the defendants which was in March 1874* when the

Vide exhibit No. 4 Case 46.

Head Assistant Collector's office was at Trichinopoly as admitted by himself and not at Museri. No doubt witness said that he was at Museri on leave then but he admitted that he had no written orders granting the leave. And the leave is entered neither in the office Register of Mr. Moore kept under orders from Government, nor in the official District Gazette either of which must contain notice* of all

* Vide copy of District Gazette attached, where leave granted even to Village menials is duly published.

such leave granted to servants in Public Service, however low their official status may be and let the length of leave granted be never so short. The 3rd witness was the defendant in another criminal case in which Memorialist had convicted and sentenced him to pay a fine of Rupees 25. There was an appeal pending before the Head Assistant Magistrate from this decision of Memorialist. Mr. Moore quashed the sentence after he gave evidence against Memorialist. He said he was the person through whom the bribe of Rs. 100 was paid. If he had been the medium of communication between Memorialist and 1st witness and also a friend of Memorialist, would Memorialist have convicted him? Therefore, is it probable that he was the friend of Memorialist? The significant fact that the 1st and this witness who are living in separate Villages met together in the Head Assistant Magistrate's office on the 1st May 1874 to give evidence one and the same day remains to be explained by the prosecution. It is hence quite clear that all this happened by a previous arrangement. The evidence of the 4th witness who was convicted along with the 1st witness by Memorialist consisted of what he had heard from 1st witness and should not therefore be received in evidence as being entirely hearsay. And that this evidence, hearsay as it was, should have been forthcoming only at Memorialist's trial by Mr. Brandt several weeks after he had had the benefit of Mr. Moore's order quashing Memorialist's Judgment shews him to have been suborned. The 5th witness was the man who lent the Rupees 100 to 1st witness without obtaining any bond or without noting the transaction down in his private account for a memorandum. Your Lordship will observe that all the witnesses were dependant in one way or other upon Mr. Moore's good graces. Memorialist submits that this case is one manifestly got up and the oral testimony in support of it is of the most unreliable character, and the evidence itself carries strong marks of untruthfulness in it. The evidence of these witnesses as given before Mr. Moore and Mr. Brandt is contradictory. The convicting Magistrate himself in para 25 of his Calendar says. "Had this case stood alone and had the accused been a man of unblemished character, I should have thought it difficult to believe but he stands convicted in the cases decided only two days ago etc." Thus Mr. Brandt convicts Memorialist in this case not on the evidence afforded therein independently, but on the strength of conviction in case No. 52.

9. While believing that he has made out a very strong case against the Justice of his conviction, upon the simple merits of each individual charge brought against him, Memorialist rests his firmest reliance upon the excellent testimonials* hereto appended and which he has received from his superior officers such as Mr. Banbury, and Mr. Puckle Members of the Board of Revenue Madras during a faithful service 23 years long.

* Vide Pamphlet of testimonials.

Memorialist filed copies of the above testimonials at the trial fully believing that the Court would not fail to appreciate Memorialist's worth as borne out by them and because Mr. Brandt had had no experience of him whatever. This was done in the course of Memorialist's defence and when prosecution had been closed. With a view to destroy the weight due to such testimonials Mr. Moore volunteered to give a bad opinion of Memorialist and the presiding Magistrate called him notwithstanding that prosecution had been then closed. All this will appear from the following address of Memorialist's Counsel to the Court.

"Mr. Moore, in this case, volunteered to be a witness (Mr. Brandt:—"Mr. Moore was called by the Court.") Then your Honor knew Mr. Moore's opinion and called him. I was

"not here then; but the evidence given by Mr. Moore was recorded as given on the part of the prosecution and he there makes a statement of the bad opinion he had of the Tahsildar. I ask Your Honor to contrast this with the good opinions regarding the latter expressed by his superiors in the testimonials filed. Mr. Moore was not in a position at all to give such an opinion (here Counsel read from Mr. Moore's Deposition.*

* Vide pages 10 & 11 of evidence in Case No. 52. "I have formed the opinion as regards his character that he is grossly corrupt and would not hesitate in performing his duties either as Tahsildar or Magistrate to act contrary to what was his duty if sufficient pecuniary inducement offered.") It is as strong a character as I have ever seen or heard, and perhaps Mr. Moore will, if called upon hereafter, be able to give us his reasons for having made such statements. He certainly did not, at the time he formed "his opinion, know more of the Tahsildar than you or I do. He formed his opinion at the close of—70 or at the beginning of—71. He was not then in charge of Museri, and yet he gives such an opinion of an official in another Taluq whom he could know nothing about except from hearsay. Now Your Honor, do you think this was a fair proceeding on the part of Mr. Moore? But let me draw Your Honor's attention to the character given by the Head Assistant in charge of the Museri Taluq at the time—to the opinion of the Tahsildar's immediate superior, Mr. Martin. Mr. Martin expresses his opinion of the Tahsildar after an experience of three years and eight months, "as follows."—

"I have had Setu Row under me as Tahsildar for the past 3 years and 8 months, and I have found reason in that time to agree with the opinions expressed regarding him by the numerous gentlemen from whom he holds certificates. I am particular in expressing this opinion regarding him because, after the late arrangement of village appointments, (1870-71) numerous reports were set on foot of his having received large sums of money for these appointments. From the enquiries which I made into the several specific complaints, and from the character of the under hand way in which the reports were circulated, I have come to the conclusion that the reports were maliciously false and circulated by the Tahsildar's enemies. I have myself always found Setu Row to be energetic and active in conducting the work of the more than ordinary heavy Taluq which he has to manage, and, as far as I can judge, his character is free from blame."

"I would ask Your Honor whether, considering Mr. Martin's experience, his opinion of the Tahsildar does not over balance Mr. Moore's and whether Mr. Moore's opinion is entitled to any weight "against the mass of evidence in favour of the Tahsildar's character. It must be borne very strongly in mind that character is the only defence that can be set forward against calumnies of this sort."

10. Memorialist would disdain to seek an outlet of escape through any flaw or imperfection in the proceedings taken against him. His object is to receive back from Your Excellency in Council freed from every stain and imputation, the spotless character and the honorable position, of both of which he has been most wrongfully bereft. But he is bound to bring to the serious notice of Your Lordship in Council that he humbly conceives the whole of the proceedings against him are legally vitiated, according to Sections 142 and 466 of the Code of Criminal Procedure, through those proceedings having been *de facto* commenced by the Acting Head Assistant Magistrate Mr. Moore, on the 1st May 1874, while the sanction of the Board of Revenue to his prosecution was only accorded in their proceedings dated the 19th May 1874, No. 1168. Mr. Moore commenced an *ex-parte* criminal trial of Memorialist on the 1st May, searched his house, under a criminal search warrant addressed to the Inspector of Police, and even commenced to break open the locks on the outside door before the keys were compulsorily delivered up to him, on the 2nd May, and on several subsequent days all prior to the 19th May, the Head Assistant Magistrate took the deposition of witnesses for the prosecution "on oath"; and consequently the proceedings against Memorialist can not be held to have been commenced, as according

* Vide paras. 24, 2526 and 27 of appellate Judgment in C. A. No. 16 of 1874.

to the view of the Sessions Judge,* they were, subsequent to the sanction of the Board of Revenue being received by the District Magistrate.

11. Your Excellency in Council will have read in Reports printed clean and neatly got up that the Administration of Justice in India as at present conducted is sound and satisfactory without parallel. Not doubt there is some truth in such statements of the reports and the Legislature has provided many safeguards for the liberty of the individual. The judicial system is good, at least better than India has known for ages. But the practical application of such judicial measures is far from good and impartial. Cases are common in which

an European Magistrate maliciously disposed to one under his jurisdiction particularly a native is not only himself able to arraign, convict and sentence this person on a criminal charge wholly fictitious and yet carrying an air of probability but also to get his sentence affirmed by the Appellate Court, which is at the same place and of which the presiding Judge is a member of the same. Convenanted service and is in terms of familiar friendship with the Magistrate, living next door. The general tendency among the Convenanted members in these days is to support one another and not to betray one of themselves, however ill and injuriously this one may have behaved in a particular case. While Memorialist's Appeal was heard at the Sessions Court, Mr. Moore deliberately absented himself from his Head-Quarters without permission, took care to be present at the Court on the occasion of hearing, took his seat on the Bench beside the presiding Judge, and was instructing the Public Prosecutor, while he had not been authorized to do so by the District Magistrate. The Sessions Judge, who appeared to take a view altogether favorable to Memorialist reserved Judgment for many days for reasons not known; and Memorialist and his Counsel Mr. P. O. Sullivan and people of the town generally were disappointed considerably in the kind of Judgment delivered eventually. The fact of the Sessions Judge's Judgment having altered from favourable in the beginning to unfavourable in the end is borne out by the discursive manner in which the first Count is discussed and annulled and the brief and summary way in which the conviction on the second Count is touched upon in paragraphs 17 to 23 of his Judgment in case No. 52. Further the Judgment of the Appellate Court seems to have been written with a view to console and disclose more falsehood than truth as will appear from what follows. Gopala Aiyer, 5th witness in Count No. 2 made contradictory statements before Mr. Moore and Mr. Brandt, as stated elsewhere in this Memorial and Ramalingam the 6th witness is admitted by the District Magistrate to have 'prevaricated,' and yet the Sessions Judge in para 22 of his Judgment is unable to discover traces of false swearing. The Sessions Judge adroitly omits to record a finding on the evidence of Defence Witnesses. The Judge was requested by a written application to send for Exhibit A from the Collector's office and to consider if it did not rebut the theory of the prosecution in the second Count, that Memorialist began to shew a marked leaning to Ullagathal after the date of the alleged bribe. The Judge received evidence which is among the records of his office and promised to send for it but has not explained his reasons for the omission. Memorialist's counsel, Mr. Sullivan read a private copy to the Court and the Judge records no finding on the evidence afforded by it. And the Sessions Judge has suppressed the cruel circumstance that the Magistrate got sanction of the Board of Revenue for prosecution of Memorialist for 'having taken a bribe from one of the parties to the dispute about the Iyempolium Estate,' but convicted him both for having received bribe from Ullagathal the one party and for having attempted to receive a bribe from Shunmugam Pillai the other party, for which latter case no sanction had been applied for or received. Memorialist is confident that this perversion of Judgment is attributable to the evil personal influence of Mr. Moore and Dr. Johnson, his father-in-law and Deputy Inspector-General of Hospitals Indian Medical Department stationed at Trichinopoly who desired to sustain Mr. Moore's reputation.

Memorialist with due submission addressed a Petition to the Local Government setting forth the grievances suffered by him and herein portrayed with a request that they would either themselves quash the Memorialist's conviction and order his restoration if they felt convinced of Memorialist's innocence on reading the Petition and its enclosures, or following the precedent adopted in an analogous case by the Government of the Right Honorable Lord Napier, by Proceedings* in the Judicial Department on the 10th August 1866, refer his papers to the Honorable Judges of the High Court at Madras for an expression of their opinion to which Honorable Court Memorialist was debarred from regular appeal, as the Magistrate refused to commit the case to the Sessions Court purposely to deprive the Memorialist of the benefit of a regular appeal.

12. The Local Government have been deaf to the cries of Memorialist. The apathy which the following order of Government discloses 'The Governor in Council declines to comply with Petitioner's prayer for a reference to the High Court, or for a remission of sentence' and the fact of the Petition having been disposed of by the Revenue Department instead of its being referred to the Judicial Department irresistibly lead Memorialist to suspect that his Petition was not even read through by His Excellency the Governor and his Council. Under these circumstances—and circumstances so unfortunate, Memorialist appeals to Your Excellency against this perfect farce of a criminal trial, conducted in defiance of all rules of Evidence and Procedure, in defiance of all the rulings of the Local Government.

vernment, in the sincere hope that Justice, however long delayed in its course, will at length be done to Memorialist. Your Excellency will kindly note—how Mr. Moore conceived a malice against Memorialist; in what sudden and summary manner he was transferred to a station 100 miles away from Maseri; how, in his absence, the charges were got up without the sanction of Government; how notorious perjurers, convicted criminals and personal enemies of Memorialist were taken in marked favor and stirred up against him by Mr. Moore; how Mr. Moore, without being legally authorized, issued a warrant for the search of Memorialist's house, himself having gone thither to institute the search; how he biassed the mind of Mr. Brandt; how the criminal trial was misrepresented as a departmental enquiry until the hour for hearing came on; how without availing himself of the privilege leave he had obtained, Mr. Moore went with his whole office to the scene of the trial which was not under his charge, in order to bring the influence of his personal presence at court to bear upon the course of the trial; how frail and contradictory was the evidence offered by the prosecution; how the evidence of the defence witness was tampered with, though they were persons of stainless character and two of them were actually associated with the prosecution; and how the convicting Magistrate refused to receive some of the evidence offered in defence—evidence of a character which would have totally upset the theory of the prosecution. Surely, my Lord, this case seems almost unprecedented in the annals of Anglo Indian Justice.

Groaning under the deadening weight of the colossal mass of injury inflicted upon him Memorialist approaches Your Excellency in Council in all respect and humility and beseeches, Your Lordship, in the exercise of your high prerogative, to remit the unmerited penalty to which he is subjected by the Acting District Magistrate of Trichinopoly in Calendar cases No. 46 and 52 of 1874 and reinstate the Memorialist in his original office of Tahsildar ordering the arrears of salary.

Begging to be pardoned for any undue sallies of deeply wounded consciousness and ever praying, as in duty bound, for your Lordship's long life and happiness.

The Memorialist begs to remain

and most

19 Sept 1876
Maseri

Calcutta

Recd 48.9.76
G.O. 6. Nov 9/76 L. 457

Printed copies of complete records in both the cases are herewith submitted with marginal notes and references.

Memorialist was convicted in June 1874.

His appeal to Session's Court was over by August 1874.

He obtained appeal Judgment in September 1874.

He was dismissed from Govt. Service about the end of October 1874.

Time occupied in translating and printing Records, November and December 1874.

Petition to Local Government in January 1875.

Their reply was obtained in April 1875.

Memorialist trusts that his appeal to His Excellency is at the earliest date as possible as he can.

The Queen's Most
Excellent Majesty
London

The humble petition of
Satur Ras
Ex Magistrate of
Trichinopoly

Most respectfully sheweth

That your Petitioner
was a Britisher and Native
Magistrate of Maseri in
the Trichinopoly District
Presidency and that in
consequence of the vile
machinations of his
enemies was convicted
and sentenced to imprisonment
and had to pay heavy fine.

19 Sept 1876

The oppression, tyranny - cruelty
that he suffered in the
hands of the authorities
are in describable among
whom was foremost one
Mr L. Moore a Magistrate
Head assistant Magistrate
of Masina a young
civilian of a very cruel
disposition who fabricated
all the charges and got
up the evidence to accomplish
the ruin of the petitioner
who he (Mr Moore) him
believed accused him
him to the Magistrate
Magistrate of having
attempted to obtain
bribe. Various memorials
were presented by Petitioner
to different officials all
to no purpose as no one
was ever pursued then

1576/14
and because he is a
native - no interest is
taken in his case however
wicked may have been
his persecutions - and finally
he begs to approach the
foot of the throne in the
fond hopes of obtaining justice
at the head of all justice
and mercy the august
sovereign - The particulars
of his case are stated
in the accompanying
printed Memorial from
a perusal of which your
Excellent Majesty will
perceive how high handed
and unjustly he has
been dealt with and
in conclusion He begs
that his sentence may
be annulled and that

he may be restored to
office again -

For which act of kindness
and generosity he is
duty bound shall ever
pray -

9/10/96

Ex Tahildar and
Muzaffar Khan of
Muzaffar Khan.

Enclosures

- 1 Printed Memorial
- 2 Book of Testimonials
- 3 Summary of the Case
by Counsel.
- 4 Decision of the Secretary
of State

21/10/96

1921
Encl. 5
25/9/26.

4
20

1476
15

The Honorable W.
Huddleston Esq
Chief Secretary to Government
of Madras. Co. to command

From Satru Rao
Late Tahildar of
Musiri Trichinopoly
Taluk

Sir, I most humbly and
respectfully beg of you to be
kind enough to forward
the accompanying Memorial
with its enclosures to Her
Majesty the Queen and also
beg of you to advise me
the date of the despatch

৯/১৪/১৯৮৮

Late Soldier of
Musin.

1576/17

1576

Proceedings of the Madras Government
under date the 6th October 1876

Read letter from
Sethu Pan Sahi Talukdar of Muziris
Taluk, Trichinopoly District
forwarding a memorial to Her
Majesty the Queen.

The Collector
will be informed that He is
to pass the Government's order
well defer forwarding the
memorial received from him
addressed to Her Majesty the Queen
until a reply has been received
to a reference made to the
Right Honorable the Secretary
of State for India whether
memorialist, whose appeals to
Her Majesty's Government have
been rejected has the privilege
of addressing Her Majesty praying
for the reversal of such decisions.

To Mr. Sethu Pan Sahi

Success praying for
restoration to office.

Government of Madras
No. 4586
Rev. DEPARTMENT.

Petition No. 1921 of 1876.
From Sathu Rao

Occupation Late Talukdar
7

Village Muzeri
Talook
District Trichinopoly

Dated 9th 6 November 76

Received 25th Sept 1876
at: Enclosures 5

ABSTRACT.

Submits for transmission
a memorial to Her
Gracious Majesty the