Secrt. I (1)-I—10,606—7-10-70.

(1) Number of pages 188 Pages

(2) Date of repair 21.4.22

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / ~~B.P. No.~~	861	Press / ~~Mis.~~
Dated	28.2.1977	197

Not to be folded or roughly handled

Read the following papers :—

No. 861. Proceedings of the Board of Revenue, dated 16th February 1877 N[illegible] :—

Read the following letter W. S. WHITESIDE, Esq., Magistrate of North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Chittoor, 27th January 1877, No. 56 :—

I HAVE the honor to submit the report called for in Government Proceedings, dated 16th August 1876, No. 1,692, with regard to the murder of Satani Ramanugam therein referred to.

2. In the enclosed copy of judgment* of the Sessions Court of North Arcot and in the Crown Prosecutor Mr. Tarrant's report† already submitted to Government (copy of which has been furnished to me) the facts of the case in question are set forth in detail, I shall therefore here only give a brief abstract thereof.

* Dated 16th August 1876, in Calendar, No. 60 of 1876.

† Dated 22nd August 1876.

3. The case for the prosecution was that the first prisoner Amruthum, the wife of the deceased, was a woman of unchaste character. The husband had cause for entertaining strong suspicions that one Theruvengadiah, Police Constable, No. 698, lately stationed at Tripatti, was carrying on an intrigue with his wife, and that prisoners Nos. 2, 3 and 4 acted as mediators between them. To remove her therefore from the pernicious influence of these people the deceased resolved to go and live in a village fifteen miles from Tripatti. Having secured a house there he came back to Tripatti to fetch his wife, but she refused to accompany him, and on the 20th June last she and the other prisoners in a body were alleged to have so severely assulted the deceased that his left lung was injured, which caused his death on the 30th idem.

4. The story for the defence was that the deceased, who was a native doctor and an habitual drunkard, took poison while he was intoxicated, fell down in the street, and from the injuries thereby caused ultimately died, after vomiting and purging.

5. The Sessions Judge did not attach the slightest credence to the defence set up by the prisoners, but he found there was not sufficient evidence on the side of the prosecution to warrant their conviction, and he accordingly acquitted them.

6. The trial lasted three days (14th to 16th August 1876), and I was present during the whole inquiry, Mr. Tarrant conducting the case on behalf of the Crown. The Sessions Judge, the Crown Prosecutor, and I are strongly of opinion that the case fell to the ground mainly owing to the extraordinary misconduct of the Sub-Magistrate of Tripatti, Malik Ghulam Dustagheer Sahib, who committed the case, and the Police Inspector of the town, Narasimooloo Naidu.

7. I placed myself in communication with the Superintendent of Police, Captain Cox, as regards the misconduct of the Police Inspector above referred to and he has been dismissed from the force.

8. I shall now comment upon the misconduct of the Sub-Magistrate. I quote below the Sessions Judge Mr. Plumer's remarks against Malik Ghulam Dustagheer Sahib, as recorded by him in the several paragraphs of his judgment above referred to:—

"The Sub-Magistrate and the Police were guilty of the grossest neglect of duty in having allowed the accused to be on bail from the 20th June until deceased's death and thus gave them ample opportunity to concoct their evidence.

"His (the deceased's) declaration was taken down in a very perfunctory manner by the Sub-Magistrate. That officer deposed that he asked the prisoners 1, 2, and 4 whether they had any questions to put to the deceased and they said they had not. I am very doubtful as to the truth of this statement of the Sub-Magistrate.

"The Police Inspector deposed that prisoners were not asked (by the Sub-Magistrate) if they wished to cross-examine deceased, and the prisoners themselves repeatedly and vehemently denied ever having had any opportunity of cross-examining deceased. Moreover, the statement itself contains no entry to that effect or that accused had no questions to put. My belief is that the accused had no opportunity given them of cross-examining the deceased; no further statement was taken (by the Sub-Magistrate) from him, although he lived for eleven days and was sensible up to the 11th day. The third prisoner was never confronted with the deceased, and he admittedly had no opportunity of cross-examining him. In my view then the dying declaration is of little weight. Its statements were not subjected to the subsequent sifting of inquiry in the Sub-Magistrate's Court and in this Court, and I believe that the people accused in it had no opportunity of cross-examining deceased.

"The Sub-Magistrate deposed that these witnesses told him, just after deceased had made his dying declaration, that they had seen accused beat deceased; but with the carelessness and neglect of duty which have characterized his proceedings throughout he omitted to record their statements.

"It has been made clear that the Sub-Magistrate's conduct in this case has been marked with the most culpable neglect of duty. He omitted to record the statements made to him, he says, by the witnesses, Malraz and Kristnadu, on the 20th June. He ordered the arrest of the prisoners 1, 2, and 4 on the 20th June, and yet allowed them to be released on bail by the Police without a word of remonstrance, although he knew that the charge made against the accused was one of attempt to murder, and although he knew that the complainant was in a dangerous state. He says he did so because he was afraid of the Police Inspector 'kicking up a row' (sic) if he interfered. The charge had been made to him and so the case was in his own hands. He admitted that he took no further steps in the case until the complainant died. He admitted that he never caused the arrest of the third prisoner, and never confronted him with the complainant. This he said he neglected to do because he was overpowered and discouraged by the action of the Police in releasing prisoners 1, 2, and 4. He admits that he never took any written statement from deceased as to whether he had or had not taken poison. He said that he once verbally asked him, and that deceased said that he had not. I do not believe the Sub-Magistrate ever asked deceased; from the manner in which the Sub-Magistrate answered my question I am convinced it was an after-thought; if he had asked that question he would certainly have mentioned it in his preliminary register, which he did not. He has got himself into this dilemma; if the deceased did tell him that he did not take poison, and if, as he says, he did not consider a mere verbal statement to him admissible in evidence, why did he not record it and so make it admissible.

"The demeanour of the Sub-Magistrate in the witness box was most unsatisfactory. The manner in which he gave his evidence was shuffling, hesitating and at times such as to impress on my mind very grave doubts as to the truth of his answers. His whole conduct in this case shows him, in my opinion, to be utterly unfit for his post."

9. The Crown Prosecutor Mr. Tarrant's remarks* on the conduct of the Sub-Magistrate are as follows:—

*Vide letter to Government, dated 22nd August 1876.

"The prisoners in this case had been given every opportunity of setting up any defence that might occur to them and of procuring witnesses to support the same by the extraordinary conduct in the matter of the Tripatti Town Sub-Magistrate, Ghulam Dustagheer Sahib.

"The fourth prisoner they (the Sub-Magistrate and the Police Inspector) never troubled themselves to arrest at all, though mentioned in the dying declaration, until after the death of Ramanjam. The Sub-Magistrate also in no way interfered in respect of the release of these prisoners arrested by his order, and on being questioned by the Judge seemed to intimate that he was afraid of the Police, and said he had no charge sheet brought to him and that the Police would 'kick up such a row' if he interfered before the case was put up before him by them, he having himself taken the dying declaration, the strongest kind of charge sheet.

"No care was taken (by the Sub-Magistrate) to ask the deceased to add anything to his dying declaration regarding whether or not he had taken poison, although he lived on to the 30th June.

"On the 24th the first prisoner, the wife, who was still at liberty, came to the Police Inspector and produced some white powder said to be similar to something which her husband had taken the day he received his injuries, as also a stone and piece of wood with which deceased was said to have ground and mixed up the powder which he took. None of these articles were sent to the Chemical Examiner, although the Police Inspector made a note in his book at the time to the effect that he intended to send the powder. He explains this by saying that he consulted with the Sub-Magistrate, and that they decided the quantity was too small."

10. I beg to express my entire concurrence in the sentiments expressed by the Sessions Judge and the Crown Prosecutor with regard to the Sub-Magistrate, and in the opinion of the former that Ghulam Dustagheer Sahib is "utterly unfit for his post." He was on the spot from the time the offence was committed, and there can be no doubt whatever that, if he had chosen to exert himself properly, the issue of the trial would have been very different. I may mention that the prisoners are all well known to him, prisoners three and four being people whom he appointed to act as purveyors of food to prisoners confined in the Tripatti Sub-Jail, and I have good reason to believe that it was owing to that acquaintance and relations of a more private character the Sub-Magistrate evinced such scandalous neglect of duty. His culpable acquiescence in the release of the prisoners Nos. 1, 2 and 4 originally arrested under his orders, his wilful neglect of duty in omitting to cause the arrest of the third prisoner, and his irregular and imperfect manner of recording the dying declaration and indeed in

conducting the whole preliminary inquiry in such an important case, and his advice to the Police Inspector to abstain from sending to the Chemical Examiner the white substance produced by the wife of the deceased, are all in my opinion inexcusable offences on the part of a Magisterial officer of such experience as Ghulam Dustagheer.

11. It will not be out of place here to bring to the notice of Government the antecedents of this Sub-Magistrate. He has held the post of Sub-Magistrate for about eight years on a salary of 70 Rupees a-month. He was very poor when he entered the service, but I am informed on the best authority that he has lately purchased house property in Madras to the value of Rupees 17,000. He was also not long ago about to purchase land at Vellore, but on hearing that I required explanation as to the circumstances under which he was thus acquiring such property he abandoned the idea of completing the purchase. His general reputation is of the worst kind, and during my whole service I do not ever recollect such an universal *consensus* of opinion about any public servant. I have been assured by people wholly unconnected with each other, and who themselves had no business to transact in his Court, that Ghulam Dustagheer was so greedy in his corruption that he would accept even a bribe of Rupees 2. He is the one Sub-Magistrate in the whole of this large district against whose conduct the people committed to his charge complain. Whenever a petitioner comes to me from Tripatti his invariable and earnest request is that his case may not be referred to Ghulam Dustagheer, but sent for inquiry to any other Sub-Magistrate.

12. Mr. Robinson, my predecessor, entertained the lowest opinion of Ghulam Dustagheer. He frequently fined and rebuked him, and at one time was very nearly dismissing him from the service. An instance of Ghulam Dustagheer's daring dishonest conduct is found in the fact of his having had the audacity to cause branches of trees freshly cut to be stuck into the ground in the place of withered and dead plants at Tripatti just before Mr. Robinson's inspection in 1871 in order to deceive that gentleman and make him believe that they were thriving young trees, and so conceal his own carelessness and neglect of duty in looking after the avenues and trees in the People's Park. Mr. Robinson, however, discovered the trick, fined the Sub-Magistrate Rupees 10, and severely reprimanded him. During the past four years that I have been in charge of this district I have had many occasions for finding fault with Ghulam Dustagheer for official misconduct, and that the Government may the more fully appreciate his true character I will here specify one or two instances as briefly as possible.

13. In the month of December 1875 I received an appeal from a number of prisoners who had been convicted by this Sub-Magistrate on a charge of theft and sentenced to the fullest amount of rigorous imprisonment that he could inflict. On going into the records of the case I found that lands of a Shrotriem village near Tripatti had for many years been rented out to a considerable number of people with whom the Shrotriemdar finally began to dispute on the subject of certain extra charges that it was desired to impose. Finding it impossible to make the cultivators consent to these demands the Shrotriemdar applied to the Sub-Magistrate Ghulam Dustagheer, accusing the tenants of having stolen the crops raised by them on the land which had so long been in their undisputed possession. The Sub-Magistrate instead of, as was manifestly his duty, referring the complainant to the Civil Court at once took the case on to his file and issued warrants for the arrest of each of the

cultivators. The case against each person was a separate and distinct one, but Ghulam Dustagheer tried them all in one case. The trial was carried on with the utmost despatch. The prisoners cited witnesses in their defence and the Sub-Magistrate at once issued summons to them, fixing the following day for their appearance. On the next day, only one of the defence witnesses was present. The summons had not been served on the others. The Sub-Magistrate, without adjourning the case or taking any steps to ensure the appearance of those absent witnesses then and there, convicted all the prisoners and sent them all off to the Chittoor jail, except one extremely old and infirm man who was so feeble that he could not stand, and to whom the going to Chittoor would have been certain death. He was detained in the Tripatti Sub-jail. I sent orders for the immediate release of the prisoners on bail, and called on the Sub-Magistrate for explanation of his conduct. This was just before all the offices closed for the Christmas vacation, but Ghulam Dustagheer was so bent on supporting the Shrotriemdar against the tenants that even though he knew my attention was keenly directed to the case then before me on appeal, he actually proceeded to take fresh proceedings against the same people on another identically similar charge, and I was only just able to stay his illegal proceedings by a telegraphic message to prevent their being locked up in the Sub-jail during the Christmas holidays. In that case, he attached a large quantity of the paddy that had been reaped by the prisoners in the case, and took such negligent order with it that it was so damaged by exposure to rain that the owners refused to receive it, and a civil suit is now instituted against Ghulam Dustagheer for recovery of the value of the property thus spoiled by him.

14. In another case, Ghulam Dustagheer, on hearsay information that he said was furnished to him by a Constable, arrested and tried a certain man for assault of a trifling nature, and actually sentenced him to fifteen days' rigorous imprisonment, which he underwent, although the alleged injured party, a relative of his, never made any complaint to the Sub-Magistrate or appeared at the trial before the Sub-Magistrate.

15. When he heard that he was about to be suspended in this case, Ghulam Dustagheer at once left his office without making over charge to any one and absconded from the district, and did not return until after I had issued a summons to compel his appearance. His successor found his office in the most astonishing state of confusion. Nothing was as it ought to be. There was a deficency in the "unclaimed property" for which he has since been held responsible by the Board of Revenue. The state of the Registration Office was simply disgraceful, and to show that it was not for want of instruction, I forward copy of the remarks of the Treasury Deputy Collector, Mr. Marjoribanks, on the occasion of his last visit of inspection of the Tripatti Sub-Registrar's Office and Treasury.

16. It has also now been discovered that, for a length of time, Ghulam Dustagheer had not been in the habit of writing summaries of evidence and decisions in the magisterial cases that he disposed of, except in those cases in which appeals were presented.

17. I have also lately been informed that Ghulam Dustagheer has, on divers occasions, borrowed considerable sums of money from residents in Tripatti on notes of hand *bearing no interest.*

18. I think I have now shown sufficiently clearly the utter incapacity and unfitness of Ghulam Dustagheer for the responsible post of Sub-Magistrate, and I beg strongly to recommend that he be now dismissed from the public service.

19. It only remains for me now, in conclusion, to apologize [illegible]ly for the very great delay that has attended the submission of the report. As is, I wrote it long ago and the papers suddenly disappeared from my office. I could have not yet been discovered. Finally, at Arconum, on the 1st November last I again rewrote my draft report, and, on the following day, mentioned to the Sub-Secretary of the Board of Revenue that I had done so, that it was being copied and would be sent in to the Board's Office in a day or two. Strange to say that draft also disappeared. I have not been able to trace it out or who made away with it. My own belief is it was destroyed by some friend of Ghulam Dustagheer in my office. After that second preparation of the draft report, I have been simply overwhelmed with work of all kinds connected with the distress and relief works in my district. I have been travelling incessantly, and my work has unavoidably fallen into arrears in spite of my utmost efforts. I am excessively sorry that so much delay should have occurred, and can only trust that, under the special circumstances of the case, the Government will over look it.

ENCLOSURE No. 1.—Copy of Judgment of Sessions Court.

ENCLOSURE No. 2.—Extract from letter from District Registrar, to Inspector-General of Registration.

Read also the following Official Memorandum from the Hon. D. F. CARMICHAEL, Secretary to Government, Revenue Department, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Ootacamund, 21st September 1876, No. 157 :—

ABSTRACT.—Transferring to Board of Revenue petitions presented by Ghulam Dustagheer Sahib, Deputy Tahsildar and Sub-Magistrate of Tripatti, in North Arcot District.

WITH the foregoing letter the District Magistrate of North Arcot submits a copy of the judgment of the Sessions Court of North Arcot in the murder case on which a full report was called for in G.O., dated 16th August 1876, No. 1,692, Judicial Department, with reference to certain charges of misconduct in connection therewith brought against Ghulam Dustagheer Sahib, Sub-Magistrate of Tripatti. The facts of the case have already been placed before Government in the Crown Prosecutor's letter recorded in G.O., dated 30th August 1876, No. 1,777, and it is only necessary for the Board to express an opinion on the Sub-Magistrate's conduct throughout the preliminary inquiry.

2. The charges against Ghulam Dustagheer Sahib are that he omitted to record the statements made by two important witnesses on the 20th June, the day on which

the deceased was taken to the hospital; that he allowed three of the accused, who were arrested, to be released on bail by the Police, although he knew that the charge preferred against them was one of attempt to murder, and failed to take any steps for the arrest of the fourth person accused; that although the complainant lived for eleven days, the Sub-Magistrate took no further steps in the case, afforded the accused an opportunity of cross-examining the complainant, and took no explanation from the latter regarding the alleged poisoning, nor forwarded the substance produced by the wife of the deceased for analysis by the Chemical Examiner. The demeanour of the Sub-Magistrate in the witness-box is also severely commented upon by the District Judge, who expresses the opinion that he is utterly unfitted for his post.

3. The Sub-Magistrate was undoubtedly guilty of gross carelessness and grave neglect of duty throughout, but it seems clear from the evidence that there has not been a miscarriage of justice, as the remarks of the District Magistrate at paragraph 6 of his letter would lead the Board to infer. There was evidence that the deceased was an habitual drunkard; that he was drunk on the day on which he was taken to the hospital; and his appearance on admission seems to have impressed the Hospital Assistant with the idea that he was suffering from the effects of intoxication. Further, a careful examination failed to discover the slightest external marks of violence, whilst sufficient motive for a false accusation may be inferred from the fact that the complainant was admittedly on bad terms with the accused. It can hardly, therefore, be said that the case fell to the ground through the Sub-Magistrate's misconduct, though it is possible some additional light might have been thrown on it had he taken more active steps in the matter.

4. The District Magistrate quotes other instances of misconduct on the part of the Sub-Magistrate, and states that his general reputation is of the worst kind; he therefore recommends his dismissal from the public service. The Board cannot support this recommendation; the charges now brought forward are not sufficient to warrant dismissal, and mere rumours of improper pecuniary dealings cannot be taken into consideration in deciding the punishment to be awarded. The District Judge has commented very severely on the Sub-Magistrate's neglect of duty, and the strictures are doubtless justified by the circumstances of the case; but the Board are not prepared to say that Ghulam Dustagheer Sahib is unfit to exercise magisterial powers. He has been already very severely punished by suspension extending over more than six months, and the Board think it will suffice if the period of suspension is adjudged as a specific penalty entailing forfeiture of service during the interval and salary. The Board further recommend that he be transferred to another district.

5. Mr. Whiteside's explanation of the delay which has occurred in the submission of his report is accepted; but he should have replied to the reminders, and informed the Board of the circumstances which hindered him from complying with the call.

(A true Copy and Extract.)

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

No. 862. MINUTE BY THE HON. SIR W. ROBINSON, K.C.S.I.

I CANNOT consent to the retention of Ghulam Dustagheer in a magisterial office.

2. He is declared by two officers of great experience in the district—the Sessions Judge and Magistrate—to be "unfit for his post"—a matter on which the Board of Revenue are scarcely able to judge—[illegible]facts seem to me to leave no doubt of it. The [illegible] of official and public opinion is [illegible] to be equally pronounced. I personally believe [illegible]s right, and long has been so; for I have known the man for years myself and through the late Magistrate of the District—my brother—and can affirm the estimate of his character which has been long held by a succession of local officers in various departments. He is, I have long held, a low rapacious creature, and I believe thoroughly corrupt.

3. I hold that we cannot fairly inflict on the public the further judicial services of this person—and least of all remove him to a district where his antecedents are unknown.

4. If desirable to retain him in the service, he should be removed to a post of less trust and more under supervision and control—a Taluq Sheristadarship or the like—on this point the Magistrate might report.

24th February 1877.

W. ROBINSON.

No. 863. MINUTE BY THE HON. R. S. ELLIS, C.B.

I AGREE with my honorable colleague that Ghulam Dustagheer is not fit for magisterial duties. I do not think that in this case there has been a miscarriage of justice, for it seems evident there was no murder, but Ghulam Dastagheer's conduct was abominably careless—if not worse—I would deprive him of magisterial powers, and place him in a lower position where he can do no harm. I do not know anything of the man personally, but the Judge's remarks alone would justify taking away the magisterial powers.

R. S. ELLIS.

No. 864. ORDER THEREON, 28th February 1877, No. 861.

Miscellaneous.

THE Government consider that Ghulam Dustagheer Sahib should not continue in discharge of Magisterial duties.

(Signed) D. F. CARMICHAEL,
Secretary to Government.

Exd. F. R. Bantleman.

No. 652.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th February 1877.

Read the following letter W. S. WHITESIDE, Esq., Magistrate of North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Chittoor, 27th January 1877, No. 56 :—

I HAVE the honor to submit the report called for in Government Proceedings, dated 16th August 1876, No. 1,692, with regard to the murder of Satani Ramanugam therein referred to.

2. In the enclosed copy of judgment* of the Sessions Court of North Arcot and in the Crown Prosecutor Mr. Tarrant's report† already submitted to Government (copy of which has been furnished to me) the facts of the case in question are set forth in detail, I shall therefore here only give a brief abstract thereof.

* Dated 16th August 1876, in Calendar, No. 60 of 1876.

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3. The case for the prosecution was that the first prisoner Amruthum, the wife of the deceased, was a woman of unchaste character. The husband had cause for entertaining strong suspicions that one Theruvengadiah, Police Constable, No. 698, lately stationed at Tripatti, was carrying on an intrigue with his wife, and that prisoners Nos. 2, 3 and 4 acted as mediators between them. To remove her therefore from the pernicious influence of these people the deceased resolved to go and live in a village fifteen miles from Tripatti. Having secured a house there he came back to Tripatti to fetch his wife, but she refused to accompany him, and on the 20th June last she and the other prisoners in a body were alleged to have so severely assulted the deceased that his left lung was injured, which caused his death on the 30th idem.

4. The story for the defence was that the deceased, who was a native doctor and an habitual drunkard, took poison while he was intoxicated, fell down in the street, and from the injuries thereby caused ultimately died, after vomiting and purging.

5. The Sessions Judge did not attach the slightest credence to the defence set up by the prisoners, but he found there was not sufficient evidence on the side of the prosecution to warrant their conviction, and he accordingly acquitted them.

6. The trial lasted three days (14th to 16th August 1876), and I was present during the whole inquiry, Mr. Tarrant conducting the case on behalf of the Crown. The Sessions Judge, the Crown Prosecutor, and I are strongly of opinion that the case fell to the ground mainly owing to the extraordinary misconduct of the Sub-Magistrate of Tripatti, Malik Ghulam Dustagheer Sahib, who committed the case, and the Police Inspector of the town, Narasimooloo Naidu.

7. I placed myself in communication with the Superintendent of Police, Captain Cox, as regards the misconduct of the Police Inspector above referred to and he has been dismissed from the force.

"I shall now comment upon the misconduct of the Sub-Magistrate. I quote below the Session Judge Mr. Plumer's remarks against Malik Ghulam Dustagheer Sahib as recorded by him in the several paragraphs of his judgment above referred to:—

"The Sub-Magistrate and the Police were guilty of the grossest neglect of duty in having allowed the accused to be on bail from the 20th June until deceased's death and thus gave them ample opportunity to concoct their evidence.

"His (the deceased's) declaration was taken down in a very perfunctory manner by the Sub-Magistrate. That officer deposed that he asked the prisoners 1, 2, and 4 whether they had any questions to put to the deceased and they said they had not. I am very doubtful as to the truth of this statement of the Sub-Magistrate.

"The Police Inspector deposed that prisoners were not asked (by the Sub-Magistrate) if they wished to cross-examine deceased, and the prisoners themselves repeatedly and vehemently denied ever having had any opportunity of cross-examining deceased. Moreover, the statement itself contains no entry to that effect or that accused had no questions to put. My belief is that the accused had no opportunity given them of cross-examining the deceased; no further statement was taken (by the Sub-Magistrate) from him, although he lived for eleven days and was sensible up to the 11th day. The third prisoner was never confronted with the deceased, and he admittedly had no opportunity of cross-examining him. In my view then the dying declaration is of little weight. Its statements were not subjected to the subsequent sifting of inquiry in the Sub-Magistrate's Court and in this Court, and I believe that the people accused in it had no opportunity of cross-examining deceased.

"The Sub-Magistrate deposed that these witnesses told him, just after deceased had made his dying declaration, that they had seen accused beat deceased; but with the carelessness and neglect of duty which have characterized his proceedings throughout he omitted to record their statements.

"It has been made clear that the Sub-Magistrate's conduct in this case has been marked with the most culpable neglect of duty. He omitted to record the statements made to him, he says, by the witnesses, Malraz and Kristnadu, on the 20th June. He ordered the arrest of the prisoners 1, 2, and 4 on the 20th June, and yet allowed them to be released on bail by the Police without a word of remonstrance, although he knew that the charge made against the accused was one of attempt to murder, and although he knew that the complainant was in a dangerous state. He says he did so because he was afraid of the Police Inspector 'kicking up a row' (sic) if he interfered. The charge had been made to him and so the case was in his own hands. He admitted that he took no further steps in the case until the complainant died. He admitted that he never caused the arrest of the third prisoner, and never confronted him with the complainant. This he said he neglected to do because he was overpowered and discouraged by the action of the Police in releasing prisoners 1, 2, and 4. He admits that he never took any written statement from deceased as to whether he had or had not taken poison. He said that he once verbally asked him, and that deceased said that he had not. I do not believe the Sub-Magistrate ever asked deceased; from the manner in which the Sub-Magistrate answered my question I am convinced it was an after-thought; if he had asked that question he would certainly have mentioned it in his preliminary register, which he did not. He has got himself into this dilemma; if the deceased did tell him that he did not take poison, and if, as

he says, he did not consider a mere verbal statement to him admissible in evidence, why did he not record it and so make it admissible.

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* *Vide* letter to Government, dated 22nd August 1876.

9. The Crown Prosecutor Mr. Tarrant's remarks* on the conduct of the Sub-Magistrate are as follow:—

"The prisoners in this case had been given every opportunity of setting up any defence that might occur to them and of procuring witnesses to support the same by the extraordinary conduct in the matter of the Tripatti Town Sub-Magistrate, Ghulam Dustagheer Sahib.

"The fourth prisoner they (the Sub-Magistrate and the Police Inspector) never troubled themselves to arrest at all, though mentioned in the dying declaration, until after the death of Ramanjam. The Sub-Magistrate also in no way interfered in respect of the release of these prisoners arrested by his order, and on being questioned by the Judge seemed to intimate that he was afraid of the Police, and said he had no charge sheet brought to him and that the Police would 'kick up such a row' if he interfered before the case was put up before him by them, he having himself taken the dying declaration, the strongest kind of charge sheet.

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"On the 24th the first prisoner, the wife, who was still at liberty, came to the Police Inspector and produced some white powder said to be similar to something which her husband had taken the day he received his injuries, as also a stone and piece of wood with which deceased was said to have ground and mixed up the powder which he took. None of these articles were sent to the Chemical Examiner, although the Police Inspector made a note in his book at the time to the effect that he intended to send the powder. He explains this by saying that he consulted with the Sub-Magistrate, and that they decided the quantity was too small."

10. I beg to express my entire concurrence in the sentiments expressed by the Sessions Judge and the Crown Prosecutor with regard to the Sub-Magistrate, and in the opinion of the former that Ghulam Dustagheer Sahib is "utterly unfit for his post." He was on the spot from the time the offence was committed, and there can be no doubt whatever that, if he had chosen to exert himself properly, the issue of the trial would have been very different. I may mention that the prisoners are all well known to him, prisoners three and four being people whom he appointed to act as purveyors of food to prisoners confined in the Tripatti Sub-Jail, and I have good reason to believe that it was owing to that acquaintance and relations of a more private character the Sub-Magistrate evinced such scandalous neglect of duty. His culpable acquiescence in the release of the prisoners Nos. 1, 2, and 4 originally arrested under his orders, his wilful neglect of duty in omitting to cause the arrest of the third prisoner, his irregular and imperfect manner of recording the dying declaration and indeed in

conducting the whole preliminary inquiry in such an important case, and his advice to the Police Inspector to abstain from sending to the Chemical Examiner the white substance produced by the wife of the deceased, are all in my opinion inexcusable offences on the part of a Magisterial officer of such experience as Ghulam Dustagheer.

11. It will not be out of place here to bring to the notice of Government the antecedents of this Sub-Magistrate. He has held the post of Sub-Magistrate for about eight years on a salary of 70 Rupees a-month. He was very poor when he entered the service, but I am informed on the best authority that he has lately purchased house property in Madras to the value of Rupees 17,000. He was also not long ago about to purchase land at Vellore, but on hearing that I required explanation as to the circumstances under which he was thus acquiring such property he abandoned the idea of completing the purchase. His general reputation is of the worst kind, and during my whole service I do not ever recollect such an universal *consensus* of opinion about any public servant. I have been assured by people wholly unconnected with each other, and who themselves had no business to transact in his Court, that Ghulam Dustagheer was so greedy in his corruption that he would accept even a bribe of Rupees 2. He is the one Sub-Magistrate in the whole of this large district against whose conduct the people committed to his charge complain. Whenever a petitioner comes to me from Tripatti his invariable and earnest request is that his case may not be referred to Ghulam Dustagheer, but sent for inquiry to any other Sub-Magistrate.

12. Mr. Robinson, my predecessor, entertained the lowest opinion of Ghulam Dustagheer. He frequently fined and rebuked him, and at one time was very nearly dismissing him from the service. An instance of Ghulam Dustagheer's daring dishonest conduct is found in the fact of his having had the audacity to cause branches of trees freshly cut to be stuck into the ground in the place of withered and dead plants at Tripatti just before Mr. Robinson's inspection in 1871 in order to deceive that gentleman and make him believe that they were thriving young trees, and so conceal his own carelessness and neglect of duty in looking after the avenues and trees in the People's Park. Mr. Robinson, however, discovered the trick, fined the Sub-Magistrate Rupees 10, and severely reprimanded him. During the past four years that I have been in charge of this district I have had many occasions for finding fault with Ghulam Dustagheer for official misconduct, and that the Government may the more fully appreciate his true character I will here specify one or two instances as briefly as possible.

13. In the month of December 1875 I received an appeal from a number of prisoners who had been convicted by this Sub-Magistrate on a charge of theft and sentenced to the fullest amount of rigorous imprisonment that he could inflict. On going into the records of the case I found that lands of a Shrotriem village near Tripatti had for many years been rented out to a considerable number of people with whom the Shrotriemdar finally began to dispute on the subject of certain extra charges that it was desired to impose. Finding it impossible to make the cultivators consent to these demands the Shrotriemdar applied to the Sub-Magistrate Ghulam Dustagheer, accusing the tenants of having stolen the crops raised by them on the land which had so long been in their undisputed possession. The Sub-Magistrate instead of, as was manifestly his duty, referring the complainant to the Civil Court at once took the case on to his file and issued warrants for the arrest of each of the

cultivators. The case against each person was a separate and distinct one, but Ghulam Dustagheer tried them all in one case. The trial was carried on with the utmost despatch. The prisoners cited witnesses in their defence and the Sub-Magistrate at once issued summons to them, fixing the following day for their appearance. On the next day, only one of the defence witnesses was present. The summons had not been served on the others. The Sub-Magistrate, without adjourning the case or taking any steps to ensure the appearance of those absent witnesses then and there, convicted all the prisoners and sent them all off to the Chittoor jail, except one extremely old and infirm man who was so feeble that he could not stand, and to whom the going to Chittoor would have been certain death. He was detained in the Tripatti Sub-jail. I sent orders for the immediate release of the prisoners on bail, and called on the Sub-Magistrate for explanation of his conduct. This was just before all the offices closed for the Christmas vacation, but Ghulam Dustagheer was so bent on supporting the Shrotriemdar against the tenants that even though he knew my attention was keenly directed to the case then before me on appeal, he actually proceeded to take fresh proceedings against the same people on another identically similar charge, and I was only just able to stay his illegal proceedings by a telegraphic message to prevent their being locked up in the Sub-jail during the Christmas holidays. In that case, he attached a large quantity of the paddy that had been reaped by the prisoners in the case, and took such negligent order with it that it was so damaged by exposure to rain that the owners refused to receive it, and a civil suit is now instituted against Ghulam Dustagheer for recovery of the value of the property thus spoiled by him.

14. In another case, Ghulam Dustagheer, on hearsay information that he said was furnished to him by a Constable, arrested and tried a certain man for assault of a trifling nature, and actually sentenced him to fifteen days' rigorous imprisonment, which he underwent, although the alleged injured party, a relative of his, never made any complaint to the Sub-Magistrate or appeared at the trial before the Sub-Magistrate.

15. When he heard that he was about to be suspended in this case, Ghulam Dustagheer at once left his office without making over charge to any one and absconded from the district, and did not return until after I had issued a summons to compel his appearance. His successor found his office in the most astonishing state of confusion. Nothing was as it ought to be. There was a deficency in the "unclaimed property" for which he has since been held responsible by the Board of Revenue. The state of the Registration Office was simply disgraceful, and to show that it was not for want of instruction, I forward copy of the remarks of the Treasury Deputy Collector, Mr. Marjoribanks, on the occasion of his last visit of inspection of the Tripatti Sub-Registrar's Office and Treasury.

16. It has also now been discovered that, for a length of time, Ghulam Dustagheer had not been in the habit of writing summaries of evidence and decisions in the magisterial cases that he disposed of, except in those cases in which appeals were presented.

17. I have also lately been informed that Ghulam Dustagheer has, on divers occasions, borrowed considerable sums of money from residents in Tripatti on notes of hand *bearing no interest.*

18. I think I have now shown sufficiently clearly the utter incapacity and unfitness of Ghulam Dustagheer for the responsible post of Sub-Magistrate, and I beg strongly to recommend that he be now dismissed from the public service.

19. It only remains for me now, in conclusion, to apologize very fully for the very great delay that has attended the submission of the report. The fact is, I wrote it long ago and the papers suddenly disappeared from my office room, and have not yet been discovered. Finally, at Arconum, on the 1st November last I again rewrote my draft report, and, on the following day, mentioned to the Sub-Secretary of the Board of Revenue that I had done so, that it was being copied and would be sent in to the Board's Office in a day or two. Strange to say that draft also disappeared. I have not been able to trace it out or who made away with it. My own belief is it was destroyed by some friend of Ghulam Dustagheer in my office. After that second preparation of the draft report, I have been simply overwhelmed with work of all kinds connected with the distress and relief works in my district. I have been travelling incessantly, and my work has unavoidably fallen into arrears in spite of my utmost efforts. I am excessively sorry that so much delay should have occurred, and can only trust that, under the special circumstances of the case, the Government will overlook it.

Enclosure No. 1.—Copy of Judgment of Sessions Court.

Enclosure No. 2.—Extract from letter from District Registrar, to Inspector-General of Registration.

Read also the following Official Memorandum from the Hon. D. F. CARMICHAEL, Secretary to Government, Revenue Department, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Ootacamund, 21st September 1876, No. 157:—

Abstract.—Transferring to Board of Revenue petitions presented by Ghulam Dustagheer Sahib, Deputy Tahsildar and Sub-Magistrate of Tripatti, in North Arcot District.

With the foregoing letter the District Magistrate of North Arcot submits a copy of the judgment of the Sessions Court of North Arcot in the murder case on which a full report was called for in G.O., dated 16th August 1876, No. 1,692, Judicial Department, with reference to certain charges of misconduct in connection therewith brought against Gulam Dustagheer Sahib, Sub-Magistrate of Tripatti. The facts of the case have already been placed before Government in the Crown Prosecutor's letter recorded in G.O., dated 30th August 1876, No. 1,777, and it is only necessary for the Board to express an opinion on the Sub-Magistrate's conduct throughout the preliminary inquiry.

2. The charges against Gulam Dustagheer Sahib are that he omitted to record the statements made by two important witnesses on the 20th June, the day on which the deceased was taken to the hospital; that he allowed three of the accused, who were arrested, to be released on bail by the Police, although he knew that the charge preferred against them was one of attempt to murder, and failed to take any steps for

the arrest of the fourth person accused; that although the complainant lived for eleven days, the Sub-Magistrate took no further steps in the case, never afforded the accused an opportunity of cross-examining the complainant, and took no explanation from the latter regarding the alleged poisoning, nor forwarded the substance produced by the wife of the deceased for analysis by the Chemical Examiner. The demeanour of the Sub-Magistrate in the witness-box is also severely commented upon by the District Judge, who expresses the opinion that he is utterly unfitted for his post.

3. The Magistrate was undoubtedly guilty of gross carelessness and grave neglect of duty throughout, but it seems clear from the evidence that there has not been a miscarriage of justice, as the remarks of the District Magistrate at paragraph 6 of his letter would lead the Board to infer. There was evidence that the deceased was a habitual drunkard; that he was drunk on the day on which he was taken to the hospital; and his appearance on admission seems to have impressed the Hospital Assistant with the idea that he was suffering from the effects of intoxication. Further careful examination failed to discover the slightest external marks of violence, whilst sufficient motive for a false accusation may be inferred from the fact that the complainant was admittedly on bad terms with the accused. It can hardly, therefore, be said that the case fell to the ground through the Sub-Magistrate's misconduct, though it is possible some additional light might have been thrown on it had he taken more active steps in the matter.

4. The District Magistrate quotes other instances of misconduct on the part of the Sub-Magistrate, and states that his general reputation is of the worst kind; he therefore recommends his dismissal from the public service. The Board cannot support this recommendation; the charges now brought forward are not sufficient to warrant dismissal, and mere rumours of improper pecuniary dealings cannot be taken into consideration in deciding the punishment to be awarded. The District Judge has commented very severely on the Sub-Magistrate's neglect of duty, and the strictures are doubtless justified by the circumstances of the case; but the Board are not prepared to say that Gulam Dustagheer Sahib is unfit to exercise magisterial powers. He has been already very severely punished by suspension extending over more than six months, and the Board think it will suffice if the period of suspension is adjudged as a specific penalty entailing forfeiture of service during the interval and salary. The Board further recommend that he be transferred to another district.

5. Mr. Whiteside's explanation of the delay which has occurred in the submission of his report is accepted; but he should have replied to the reminders, and informed the Board of the circumstances which hindered him from complying with the call.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department,
with two enclosures to be returned and bundle of petitions, &c.
" the Collector of North Arcot.

Exd. W. H. French.

prays that after a reference to Mr Robert Sewell the Asst Collr and petr's immediate superior, regarding the petr, his claim for a higher appointment may be duly considered.

Government of Madras,
Public DEPARTMENT.

Petition No. 976 of 1877.
From M. Dastagheer
Occupation. Magistrate
Village.
Talook. Tripathypoint
District. North Arcot
Dated 19th March 1877
Received 8th April 1877
Enclosures.

Abstract.

Bringing to notice that Private Secretary's letter dated 13th Feb. last is exceedingly discouraging to petr; prays

Rec'd 21 Feby 1877.

PROCEEDINGS, 16TH FEBRUARY 1877.

FEBRUARY.
No. 652.

Ghulam Dastagheer Sahib—Sub-Magistrate of Tripathi, in North Arcot District.—State Board cannot support Collector's recommendation for dismissal of — from public service on account of certain charges of misconduct brought against him, and recommending that he be transferred to another district.

No.

No. 78.

The Honorable,
A. F. Farmiekael.
Revenue Secretary,
to Madras Government
&c &c &c
Madras.

Most Honored Sir,

1. With profound submission and every mark of respect, I beg to bring respectfully to your honor's kind notice, that all the charges brought against me have been most carefully & clearly proved [illegible] without informing me his intention of so doing, caused his peons to sit at my door for 6 days together, threatening females to break open the premises & to enter into the house & attach property if certain Revenue arrears of about Rs 10. were not soon paid & he has thereby put me to disgrace in a place where I commanded respect for so many years.

6. As my present suspension which extends to a period of three months & a half, owes a great many consequences & subjects me to many inconveniences & annoyances and I beg to bring to your notice that I have suffered long enough, I most respectfully beg to the most respectful consideration & feel & earnestly beg to solicit

not as yet disposed of, I am
therefore obliged to suffer still
in the same manner.

3. I most respectfully beg to submit,
that the Collectors object in thus delaying
is two fold, that is, to prolong my
suspension to put me into circumstances
more
of distress & cause me remorse
and regret on the other. As I hear that
the gentleman, herself not satisfied
with so much what he has done
against me, now tries to blame
me for having drawn 6 months back
said unknown sum from my Treasury
about Rs 15 on a cheque presented
by a Village School master, who was
afterwards taken up & the Police
tried & convicted by the 2nd Class Magte
bona fide thought & my motives
not far from honesty. Had it been
otherwise, no Committal would have
been followed on the ground of
animosity between the prisoners
& witnesses (neighbours) whose
evidence could not possibly have
been dispensed with, unless the
ends of justice were to be frustrated.
In the beginning I, as usual in such
cases, secured the evidence of the man
as a precautionary measure there
being clear & the proof plain out
after trying the case, which contains no entry
of the case, which at first under S 325
of the I. P. Code was exclusively triable
by 2nd Class Magte (the case was according
submitted by Police to 2nd C. Magte (Chuadanga)
until after the death of the man when
it fell within my jurisdiction.
With sentiments of extreme respect,
I esteem &c &c I have to subscribe myself

Your honor's always most obedt & humble Sth
[illegible]

there to raise my hands for mercy
from the highest authorities, retiring
shedding tears for my misfortune.
I most submissively beg to request
your honor that my petty incumbrance
may not be brought to your honor's
notice in paragraph 6 of my petition
dated 27th Septr last No 59, & which still
praises increased powers of 2nd Class
Magte, though Gazetted as 3rd, as
per Govt order No 1966 of 24th Augt 1870.
Rev. dept, & who was once dismissed
from Public Service for bringing
false charges against Major Sedd
by the Pillone Municipality in three
pros. dated 8th Augt 1877, tries to
mention in every way that he
has in the beginning of this month
[illegible] the Police
of North Nuddea, who declared
the whole thing, as set on foot by
malice prepense and that the
gentleman in reporting the result,
had, about a month & half back,
asked the Collector to restore, & offer
and to accord sanction for the prose-
cution of Sreenath & others, who tried
so much with false charges, one
after another to implicate [illegible]

2. But the Collector, though called
upon repeatedly by the Honorable
Board, has not as yet made his
final report in Kishnapoor murder
case, to enable the Sudder Court
to arrive at a conclusion; and the
the murder case, pending before
the Sessions Court upon the

[illegible]

Petn. Capt. [illegible] Order on his memorial [illegible] Forwarded [illegible]

prest. so generous & so liberal a patron & gentleman as your honor & rank o having obtained a paternal sway throughout the Presidency, will be pleased not to fail & show an unfortunate & helpless man like myself the mercy of my reinstatement at your honor's earliest convenience. This will be a great boon which will save my reputation & life & which shall ever be remembered with feelings of pray & everlasting gratitude.

7. From explanations already submitted in my petitions Nos 51 & 59 dated 19th & 28th September last, as well as from the Reports of Preliminary Enquiry Ch 5 of 1876, on my file and from the whole record framed by me your honor will find that my action in the murder case, for which my suspension was prolonged, was false personation in obtaining the money.

8. That the gentleman, I hear, also tries to make out another case against me for my having some 7 years back purchased a piece of land (which is since sold) in my sons name at Great Saligrama and see there is no end in making out cases, which clearly shows that my mast... is determined even me to send me to Jail, perhaps I can not escape when the gentleman of so high power & position is so much prejudiced against an indigent, poor, & helpless man like myself, I am therefore so much discouraged & disheartened

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L. 1.

To,

The Honorable,
D. F. Carmichael
Assistant Secretary
to Treasury Government
in
Ottawa Canada.

Most Respected Sir,

1. With [illegible] and every marks of respect, I most respectfully beg to submit that I arrived here under the order of the District to appear before his Head Quarters on the 4th inst. to answer to another charge brought against me by the same parties & inquired into by the same gentleman.

2. In the case I pursuit of Kawkawboy, original accuser in the first case, in connection of which sanction was applied for my prosecution for my having punished the man for [illegible] of wood, to obtain clear possession of the land forward of which I was the complainant for a complaint to be made by a stout person (cutter of the very wood) against him before the Forest Dept. for his stating timber from the Govt. Forest.

3. It is greatly to be regretted that

that the charge brought by this vagabond, who managed ~~to~~ to ~~to~~ cost a large sum, was gone through without taking notice or finding truth of the original charge of his stealing the Govt wood and that the habitual thieves of the Govt property, are thus fostered & encouraged.

4. That the charge in question was however gone through most carefully and searchingly by the gentleman who declared the whole thing a set of foul & malicious pretense.

5. This false charge, I have every reason to believe, is the result of the exertion of my acting incumbent, who still exercises increased powers of 2nd Class magistrate, though Gazetted as 3rd Class, as per Govt order No 1946, dated 2nd August 1876 Rev: dept.

6. It may not be out of place to submit that my successor's injudicious act of his interfering in a most shameless manner, with the Pagoda business, has created a great excitement among the Pagoda authorities, Pilgrims & community, I know that the acting 1st Magistrate has ~~sent~~ sent by beat a most wearied ~~the~~ and ~~dejected~~ dejected pilgrim to the ~~Pagoda~~ Upper Tripetty, of the 2nd Pagoda during a most suspicious day of the grand festival now going on, that the force was returned on this very spot & that he wanted to whip them, officially. He has however come down to Lower Tripetty, leaving a large concourse & numberless pilgrims

on the copper, with cholera raging among them & without a proper officer to take care of them.

As regards the murder case now before the Court, I mean that the Asst Magte has accused me, as having absconded when called upon to give evidence. I beg to assure your honor that it was not the case with me in point of fact; that being on the 29th July last, been suspended from office, & having waited for my successor for days together, I handed over charge of office & delivered my Gomasthas & to go on business of the Estate, where I received the order of the Magte on the 6th requiring my presence in the Sessions on the 7th; while I was prepared to start, the summons was also received by a Head Constable sent to me by a Head Constable hours brought to me by a Head Constable for the purpose; I however expedited & arrived at Chittoor in time, but being told that the case was postponed to 14th; I had to go to see my child there very ill at Tripetty; I again went to Chittoor & reported myself to the Asst Magte a day earlier & your honor will see that being fully alive to my subordinate position & to the law of the country, I, as a descendant of a noble family, shall never abscond as alleged, leaving my family & property & your honor will also find that there are great many differences between the facts of the case as set forth by the Asst Magte & reported by Mr Tarrant.

I likewise hear that the Asst Magte has alleged as long having

had some thing to do with the Pltff's wife of the deceased. I humbly beg in reply to submit that it is far from it. I can declare it most solemnly as false & am prepared to deny it under a most binding & touching oath with my religious guarantee. I do compare her with my own mother. I am a religious & pious man, & fear God, & therefore shall not, tell the world break his law. I likewise most respectfully beg to submit that from the Copy of the Register, of Preliminary Enquiries No 5 of 1876. on my file & from the whole record of the case framed by me, your honor will find that my action in the matter was Bona fidi throughout and my motives not far from honesty. would have been followed, on the ground of animosity between the Pltff & witnesses, but in the very nature of the case, the evidence of these Wits (neighbours) could not possibly be dispensed with, unless the ends of justice were to be defeated.

I likewise most respectfully beg & solicit that your honor will be pleased to favor me with a copy of the Order, I sought to rebut on the subject, in order to afford me an opportunity of submitting my explanation regarding unfounded remarks the gentleman might have offered against me of showing to Govt my innocence in the matter & the peculiar circumstances attended with deplorable facts under which I labour, with a painful misery.

Bala

5.

10. But however I most earnestly beg & solicit that your honor will, in disposing of the case be pleased to take into kind consideration, reasons stated in my explanation already submitted & the letter of the 19th inst No 51, as well as the whole record framed by me & the No 5. referred to in the paragraph preceding but one.

11. I may not be out of place to submit that my master is biassed against me not in a less degree, from first to last, he has denied me fair chance of promotion in the dept for the last 10 years, during which I have served with unsullied reputation for he allowed me to get unjustly interfered & thus was also deprived me from a great chance of my promotion to a Dy Collr post, for which Lord Napier was pleased to advise me to prepare & the late Lord Mayo to sanction. The present state of affairs is allowed me since I asked him permission to try for my promotion against his encouraging the vagabonds to bring charges one after false; his suspending me without proof whatever; his binding me over & restraining me under unusually heavy penalty of Rupees (5,000) five thousand &c. his treating me more disrespectfully his putting me to great many inconveniences & unnecessary attend with loss of money and reputation. His dragging me all

× a copy of the letter is herewith enclosed.

all over the Dist; this not permitting me to go & see my dying child; this is working with high & powerful influence & great false colors & make misrepresentations. this not reinstating me as ordered & the

and. this introducing irrelevant matters, making uncalled for remarks & unfounded charges; all these will go to show, how far the gentleman is prejudiced against me,

12. It is not my place to animadvert upon the course adopted by the gentleman, nor it is my intention to disclose any thing in regard to my master, than to defend myself, being naturally bound to do. I am a pious man & as a dear friend of a noble family I shall never tell an untruth, and your honour will find that it would not be worth while for my gentleman; to be so much prejudiced against an insignificant and helpless man like myself; as he is a gentleman of high position power & what I am before him is rubbish-like. Whatever may be my birth & qualification I am his servant and as such I am ready to obey & submit to my master to whom I always have a great regard.

13. I am, however, assured of his & your great kindness, sense of justice, impartiality of disposition & desire to protect & to defend the rights of an innocent, poor

and helpless subjects & subordinates & beg most respectfully to solicit that his Grace will in the exercise of his mercy be pleased to do me justice & reinstate me from my suspension, for which I feel very much.

14. In conclusion I beg to solicit your honour's pardon for having made my petition as prolix as it is & should I have stated any thing disrespectful in the above or any other, I trust that your honour will be pleased to take into kind consideration, the circumstances under which, I have now been actuated & will pardon me for the same as being quite unintentional on my part.

15. This will be a great honour & favour I shall ever remember with feelings of great gratitude

With sentiments of extreme respects & esteem.

I beg to subscribe myself
Your honour's always most obedient
humble but helpless servant.

M. Subramanyam

Sick through Imprisonment
& now under suspension

Tripatty
27th Septr
1876.

No 142.

To,

The Honourable D. F. Carmichael
Revenue Secretary to the
Madras Government
&c. &c. &c.

Most Honoured sir,

1 With profound submission and every marks of respects, I most respectfully beg to submit once again for the information of His Grace the Governor, that the suspension under which I am now placed and which is based upon no proof whatever forms no part of the punishment for the alleged Offence, now pending sanction, is under consideration of the higher authorities or any other.

2 If the Collector has, in order to serve his purposes, recommended the continuation of my suspension, on the ground of some more Charges as forthcoming against me, as well as, referring to the remarks to which the Session judge unjustly subjected me in reference to Ramayanna's murder Case, which I had commited Calender No 60 of 1876 on the file of the said Court.

3 I humbly beg to submit, that the case of one Cheeralammah of Kistna Joorum, which was brought forward with false colouring by the same parties who worked against me in the former Case that brought to my present grief, was opened, suddenly and gone through carefully by the Asst Magistrate

Magistrate at Ranegoontah; although the gentleman's mind, having, in the former case, been poisoned against me, was still fresh; yet he did find out the truth with his sound judgment and declared the whole thing as set on foot by malice pretense by the same parties, who trouper and over again to annoy me to extort a large sum, as described in paragraph 17 of my explanation of the 6th July last, & para 8 of my supplemental explanation, dated 17th idem.

4. Yet the gentleman told me that the same party have to bring another charge of a trifling nature, which, he said from his confirmed belief of their discredit, would follow the same example.

5. But the gentleman is not prepared to sanction the prosecution of those forged and forged this case and that the indulgence given them in the former case and undue advantage taken of by them is so great as to bring false charges one after another against me and to utter openly that they were advised & backed by the gentleman so to do. They thus annoy and bully me, the only Mahomedan among them, so as to make me to yield to their wishes of peaceful trade.

6. I likewise most humbly beg to submit that all these men, who were convicted and punished by me, chiefly for stealing wood from Govt Forest and who, having no proper means of livelihood, have, of late, formed into a society in Kircumbady village, to create false cases, give false evidence for one another and then to extort money, upon which they wholly subsist.

7. That they have been successfully worked with & general and that my case would a long desired object in their view, the thing that, as a Mussalman God would direct yield to their wishes so they have expressed with combined object of revenging themselves for the punishment they received from my hands.

8. It may not be out of place to submit that except these vagabonds & habitual thieves, all others, though Hindoos, are so much satisfied with me as to prefer my being among them, than their own element; I fear God; I know what is my duty towards him, my Master & fellow creatures & therefore I, as a descendant of a noble family, shall not consciencously do an injustice to any or tell an untruth. and it can be found to be true by an inquiry into the fact as to what amount of popularity, I have already gained among the community and what account of confidence reposed in them.

9. As regards the murder case, I crave permission to submit that I had fully set forth in my letter of the 27th ult last No 27, true reasons or causes which subjected me to a severe but unjustifiable remarks.

10. It was true that I had taken the dying declaration of the deceased in the presence of the accused persons, whom I had immediately handed over to the Police

Inspector, on the spot with instructions of course verbal, to send them to my Court under Section 302 of the Indian Penal Code with a formal charge but in due course of the business.

11. But the Inspector has of his own accord let go the prisoners on bail, amending the Sections to 325 of the Indian Penal code, thus taking the case out of my jurisdiction for the 2d class Magistrate of Chendraghery, to whom he had sent his report, which now forms part of the original records.

12. However I was aware of the proceedings of the police and was fully alive of my duty of rearresting the accused but deferred it to certain favourable time for the following reasons.

Firstly: That the man, who was suffering from internal injuries or hurts, had not expired before a fortnight and it was therefore apparently doubtful to a non professional man to judge whether he would die, so it did not make a murder case immediately, to take action for me promptly; I therefore waited to see the fate of the man.

Secondly: I did not take immediate action, because I did not like to show too much suspicion or to slight to have the case myself which was already submitted to a Magistrate of higher grade on one hand, and to provoke the police, who were apparently in favour of the accused, to spoil the evidence against them, which they could have easily done as they are experts in such affairs.

13. I have therefore waited to see whether it would clearly fall within my jurisdiction securing at the same time best evidence which I have recorded when time had arrived for it and committed the accused, with as clear as possible an evidence, placed before the sessions for their conviction; I beg to submit that had it not been owing to my exertions, the case would not have been committed to the Sessions and so my straightforward conduct and honest intention in so dealing with the case is apparent in face of its circumstances and records.

14. That before the session itself the case was fully brought home to the accused but the judge did not believe the evidence (for which there was no proof) to convict them but on the other hand made me a party, in the eyes of the uninitiated, as one whose conduct is deserving of report in view to censure.

15. The foregoing statement will be corroborated by the self evident testimony of the record itself, a perusal of which will, no doubt, bring the truth to light.

16. While such being the case I regret much for my misfortune for your honor's order confirming the Collector's action continuing my suspension and most submissively and earnestly beg to solicit for

mercy, which I as a helpless man
most submissively implore from
your hands.

With sentiments of extreme respect
and esteem

I beg to subscribe myself
Your honor's always most
obedient & humble Servant
M. Cadiz Chakravarti
Sub Magte of Tripetty
now under suspension

Tripaty
8. Septr 1876

Dr. G. Bradyden Esqr
Civil Surgeon &c &c
Cuddapah

Dated 8th Septr 1876
Rec'd 10th do
Rec'd 15th do

Acknowledged
Acknowledged
Acknowledged.

Submitted for the favorable consideration of the Collector Esqr
To do or direct Recommendation
to be made in the matter
Cuddapah 9th Septr 1876

Submitted for the favorable consideration of the Collector Esqr
To do or direct Recommendation
to be made in the matter
Cuddapah 9th Septr 1876

Traffic Code Form C1.

Class P

INDIAN TELEGRAPH.

Dated 9th Sept 76

To (Station) Vizianagaram

From (Station) Vellore

No.	Words.	Time tendered for transmission. (Madras time.) Day.	H.	M.	Official Instructions.—
	14	11	10		

To (Person) Honble D. F. Carmichael

From (Person) Asstt Collr Palkonda

1 Assistant Collector	2	3	
4	5	6	
7 Absent	8 Surveying	9 Tour	
10 Returned	11 Pray	12 order	
13	14	15	
16	17	18	
19	20	21	
22	23	24	
25	26	27	
28	29	30	
31	32	33	
34	35	36	

Recd. from _____ (L. L.)
At _____ H. _____ M., on the _____
By _____

Sent to _____
At _____ H. _____ M., on the _____
By _____

Date OOTACAMOND 11-9-76 J. Whitehead

(P. 1)—Govt. Tel. Press,—504000,—25-6-74.

OOTACAMOND 11.9.76

Immediate

No 24. Jo.

The Honorable,
A. J. Carmichael,
Revenue Secretary,
to the Govt of Texas
&c &c &c

Austin

Hond. Respected Sir,

1. In continuation of my appeal petition, I now respectfully beg to subscribe for the information of the Govt, that my first charge the suspension & consequent petition was based upon proceedings of the Recommissioners on the ground of my bad character & suspicious circumstances, under which I labored Unjustly.

2. In case of the gentlemen now charges me for services absconded without delivering over charge of my office & deficiency in Treasury. I crave permission to submit that with regard to the first charge I have already submitted my explanation in a petition addressed to your honor under date the 17 Inst, & that the subject of my delivering over charge of my office to

3 As regards the second charge, I humbly beg to assure your honor that there was no deficiency in the Treasury, but the alleged deficiency of Rs 1-6, in the unclaimed property as your honor will find from the papers (marked A & B) herewith submitted, purposely made out by my successor Venkata Row, with the object of injuring me & of his being confirmed in my place. He has, I am credibly informed, appointed the property clerk pro tem & in the absence of the Treasurer, who kept it. I did not see the point of placing Venkata, that the Treasurer Row, who was a clerk immediately at Vellore having given a pakka security in three sureties against them Major Scurl, in the Vellore cutcherry, to which the Collr. was a party, gained the favor of the gentleman for Judicial appointment, to which I know he was once prohibited by the higher authority, and I do not know what more charges will be brought against me, as Demi official correspondence are now the daily occurrence between him & the Collr by peons.

As I have every reason to believe that the gentleman might in his letters to the Govt. have made unfounded & groundless remarks against me, I most respectfully beg to solicit that your honor

5. That the Collr., who is headed, does not like to restore me as directed by the Honorable Board. It is not my place to animadvert upon the course adopted by the gentleman, suffice it to say that he is determined to give me and to send me to Salt, as soon the direction is received. He had from the beginning marked me down with displeasure for the reasons stated in my original petition; he has not only made me lose many chances of promotion in the Dist, but also had deprived me of my promotion to a Deputy Collectorship which the Govt were kindly prepared to bestow upon me. He likewise marked me down with limited powers of the last class, although there was nothing wanting in me to be invested with increased powers after 7 years experience, & that with unsullied reputation, whereas many Race persons were invested with increased powers, of whom the case of my successor, who is my a Telick Shereistadar, is a noted

his using influence [illegible] the present case; his [illegible] subjecting me to the present [illegible] persecution; his binding me over under annually heavy penalty of Rupees (5,000) Five thousand; his not permitting me to go & see my child, who is now at the point of death had at Jaffna; & passing a restraint upon me as directed by the higher authority all these will go to prove how far the gentleman is irregular & guiltless.

I submit again may mention before you above of my difficulties & troubles to the higher authorities has increased the gentleman's anger toward me, not in a less degree. & his treatment of me is beyond that of a stranger, that would express. I am almost loosing my reputation as such, I as a descendant of a noble family, have maintained now should it will, likewise cause loss to me of a considerable sum, which I am to obtain by reason of a marriage I am now contracting in the Nadoki family. His terror is such that, even gentlemen are now afraid of, & dare not even speak to me, on business & to render their services; much more his subordinates, & even the inhabitants my friends refuse & give me shelter; I am obliged to sit under a tree, as a prisoner at the Magistrate's gate, under obligation of the Recognizance, being dragged to different localities at.

[illegible] in addition to the present circumstances I am to remain disheartened & cause my health & life, and to [illegible] discouraged almost to think of any thing than every day & night for help & support from the higher authorities & praying for immediate relief.

With sentiments of true respect & esteem.

I beg to subscribe myself Your honors always sincere respectful, humble & helpless servant,

Mr. Christopher.

Eq. Jaffna.
23rd Sept. 1846.

P.S.

I herewith beg to enclose a copy of the Head Mudaliar Colvin's Petition of the 16th Instt, No 25, (marked D) calling upon me to explain with regard to the deficiency in the unclaimed property in question. From this & the paper (marked C) your honor will find, that I had delivered over charge of my office to my successor, from whom my receipt has taken it, and that there was no deficiency whatever in the Treasury had it been the case it would have been noted in those Takeds.

Mr. Christopher

15,

To,

E. Lackey Esq.

Head Assistant Collector,

North Arcot.

Sir

I have the honor to acknowledge the receipt of your letter No. 25, dated the 16th instant, and in reply to inform you that I have delivered over charge of my office to the Sheristadar before leaving Tirpatty.

With regard to the difficiency of certain unclaimed articles and money of the aggregate value of Rs. 6, I beg to bring to your notice that for want of a proper box or receptacle, the property was deposited in several places and boxes and that my successor himself has told me in person, that he had not searched all the boxes before he made the report for the alleged difficiency under notice.

(4)

3. I accompanied the Deputy Collector to make a thorough search with the assistance of the Head Accountant Ramachendra Row, in whose keeping and responsibility all the property and papers are.

4. The principal circumstance in the subject I think is the result of a hasty report on the part of the Acting Tahsildar, as I have every reason to believe that not a single cash will be found deficient if a careful examination is made.

With sentiments of extreme respect and esteem

I beg to subscribe myself

Your honor's most obdt & humble Svt.

(signed) M. B. Dastagheer

Ex Sub Magistrate

Tirpatty

Chittoor
19th August 1876

True copy

M. Chinnappa

20.

To,

W. H. Whitwell Esqr

District Magistrate,

at Karur Trichy

&c, &c, &c

Palamcottah

Dated Honored Sir,

With reference to your honor's proceedings, dated the 17th Instant No. 2093 I beg to submit that until after the receipt of the sanction, your honor called for, during the pendency of the application of the provision depends entirely upon the jurisdiction sanction for which is now in the hands of the higher authority which may or may not be granted and even if the sanction is granted, the proceeding will be null and void ab initio

2. That the inquiry held by the Head assistant Magistrate has no more than suspected that and that the depositions recorded by

[illegible] Signed W. S. Whitelaw.
Collector
[illegible] Copy
Mr. Chesnaye

deserted from the station for four days, the Accountant General wrote me by letters Nos 4 and 7 of the 4th and 15th instant, respectively, that I left for Madras on heavier, leaving my family and property still to remain at Tripaty.

6. That on the service of your summons, calling upon me to appear before the Court of Session Chittoor, to give evidence regarding a murder case, which I had committed for trial before that Court, I had to appear on the 8th Instant, but being informed that the Case was posted for hearing on the 14th, I had to go to Tripaty to see my Child, who was very ill.

7. That Mr. Hogg's [illegible] in Treasury has no ground to [illegible] based upon, that the deficiency of certain unclaimed article and money of the aggregate value of Rs 1-1-6, about which I had submitted satisfactory explanation to the Head

Assistant Collector in the refusal of the Warrant of proper Examination on the part of my Successor who simply told me the person that he had subscribed into several Lakes, which contained the property of the proper receptacle before he made his report hastily

In face of the above circumstances I do not know what made your honor to form an opinion of the circumstances so suspicious, as for my conduct which was nothing but strictly correct as such I am able to submit and therefore your honor will not be justified to continue me any longer binding one under the recognizance in question. And likewise to keep me under suspension which tantamounts part of the punishment for the alleged offence;

With sentiments of extreme respect and esteem

I beg to subscribe myself
Your honors most obdt Humble Sr.
(Signed) M. G. Swaminathen
Palamcottah Ex Sub Magistrate of Tirpaty
4th August 75 /True copy/
M. Chinnathen

D)

Rs 25-

3

3 ... 3

... 1875 ... 3 ... 0-0-3
... 35-2 ... 0-9-3 3
... 0-4-0
1876 ... 0-13-3
... 1-1-6 ...
1876 ... Rs 16 ...

/Signed/ A. F. Lex
Asst Collr
/True copy/
M. Chinnathen

No 39.

To,

The Honorable,

D. F. Carmichael.

Revenue Secretary,

to the Madras Government

&c &c &c

Vellacomund

Most Honored Sir,

1. With reference to the paragraph 4 of my letter of the 27th August last, No 27, I, most respectfully beg to append herewith copies of the Judgments therein referred to, for the information of the Government.

2 From these papers it will be found that, I have acted with an unsullied reputation and it is a proof positive for the integrity and honesty, with which, I discharged my duties and in addition I likewise beg to refer to several testimonials (already submitted) from several European immediate superiors, with whom I was officially associated.

3. Such being the case with an innocent and helpless servant like myself, it is a deplorable fact indeed, that the Collector, who is biassed for the great many reasons, already submitted has not only deprived me from the chance of my just promotion to a Dy Collectors post, for which

which Lord Napier had kindly advised me to prepare and the late Lord Hobart to sanction, but also is determined to send me to Jail creating fresh case almost every day, I lament very much to my unfortunate

4 The steps taken by the bollector in dealing with me so harshly proves exceedingly discouraging to your innocent and the only Mohamedan servant among Hindoos, who having taken advantage of the bollectors displeasure to annoy me in every way. I am however assured of His Excell great kindness, sense of justice, ingenuiness of disposition and desire to protect the rights of innocent poor and helpless subjects and subordinates and I beg most respectfully to solicit that His be pleased to transfer my services to another District

5 This piece of kindness shall ever and anone be remembered with ever lasting gratitude

With sentiments of extreme respect and esteem,

I beg to subscribe myself
Your honors always most obdt
and humble servant.

Tipperary
7 September
1876

W. C. Sinnaphen
Late Sheriff of Tipperary
now under suspension

To
The Honorable,
Chief Secretary
Government
Dublin Castle

But the Inspector has, on his
record + on his own responsible
the prisoners go on bail, subject to
the Order of the Ld Chief Magistrate
of Chan
of the Lo
to

Iron

Iron
Cord
intention throw
7. In Conclusion I
beg to submit that if the ex
planation is not considere
sufficient, I shall be happy
to submit a
one, should
possession
Magistra
With
respect
I
&c

P. J. O

In the High Court at Kaduna

Wednesday the 6th day of August
One thousand Eight
and Seventy three.

Present:

The Honorable Mr Justice Anderson
Regular Appeal No 78 of 1873

Malicitty Buddiah Chetty

Plaintiff

Versus

Tagher Zaheli Sub-Magistrate

Defendant

Respondent
(Defendant)

Appeal against the Decision of the
Magistrate in original
Civil Regular Appeal
of the Court delivered

Judge

Even ... counsel for plaintiff contends
the probabilities were rather in favor of
the story told by the Plaintiff than that
told by the ... would be
impossible to reverse the Decree.

It ... seems more probable
that the Judge intended to procure
the ... relief upon the
Plaintiff's ... tion by bringing
about a ... accommodation

... appeal is ... with
Selected for such ...

The Appeal
with Costs

Ex. Court from ... Calendar for ... 1872 ...

Charge

That they on or about
... June 1872 ... Expatty on
the ... of a ... child
of Rupert ... by a public
the 2nd Class ... Magis-
trate for ... for ...
Secret ... on ... that
they have thereby committed offences
punishable under Sections 116 & 181 of
the Indian Penal Code and within
his Cognizance.

Statement of the Evidence and
grounds of Conviction

... of Expatty charging ... with
having ... him a heavy ... to
induce him to pass ... sections
on a number of prisoners against
whom.

were they had brought to charge of

et

Mages

gave the lessor

Terminus Habitabilis &
arisen between these
terms of the Lease (1st
ning he was to hold
and save and Terminus
ing the Lease has expired)
was one day cutting

Came up resulted him and carried
off the leaves 1st Defendant there
charged them all with being members
of an unlawful assembly
The case which lasted
adjourned
to three days for the defence having
to be taken next day on that
evening at about 6 P. M. the Sub.

Sub Mags took care of a Dis Citizens
the Ch
the D
the S
Serve
bail
his Child
the door open. The Defendants
Came up and asked him to pass
a Severe S[illegible] on the prisoners
on trial next day promising him
Re 10 if he did so
The Sub M[illegible] rate
There upon they pressed it upon
them as to bail the Cabal he
and that there to
the day of

was done on account of a separat-
ion that
existed between
Mr. [illegible] and
Mrs. [illegible] and
Mr. [illegible] took the
book to [illegible] where he got up
[illegible] and
the Ruler of the [illegible] to fetch
who came. The money was counted
and sent to the treasury Next-day
the Sub-magistrate wrote an Urge
explaining the circumstances and
sent it and [illegible] money to pay
[illegible]

The Sub-magistrate
was subjected to a long cross
examinations as to the particulars
of the event, the positions of the
[illegible] persons present, the distances
between them and [illegible]
[illegible]

de-
[illegible]
Defendants
employ.

simply went straight to the
point without preparation & kept
[illegible] attempt to
[illegible] compromised between the defendants
and the remaining witnesses did
[illegible] The Sub-magistrate
examination [illegible]
the bride was so heavy on account
of the shutter closed [illegible]
[illegible] Thereupon [illegible]
of defendants [illegible]

2nd witness to the Sub-
magistrates private Bandyman
Servant He corroborated very
little [illegible]
[illegible]
Evidence of the Conversation between
the Sub Magistrate and the
Defendants But he [illegible]
the remainder of the story but
[illegible] that he heard defendants
say "Take it" "Take it" Take it Take
it" when [illegible]
on the Sub Magistrate.

3rd witness the Sub Magistrates
Bandyman He [illegible] the
denied

denied all knowledge of the case
Says he was not there
by the witness is the Evidence
that was present but out of sight
that was in the room and heard every
thing. He then cribed the Conversation
as he said it before the Magistrate and discribed
the both of testing his knowledge
of Telegraph & finds it impossible to light
that a Conversation past from Travel-
ler in his report of a Conversation
in that language of the Prisoners & think
Simon has not got a very firm idea
from so attended words as to what
was said & swears
that the Defendant said "Take it"
"Take it" at the same time holding.
the bag for Rafael The remainder
of his story is evidence no respect
from that of the Witness
that is the "Take it" "Take it" "Take it" to the
Subsequent Conversation with Mr. Cutting after
the Witness came that
night at about 9 P.M. and called
him to the Police Magistrate who
Issued
Save

give him a description of the Articles
it found & to enquire Rafael had
Carried a Carpet bag to the Police
to the Custody of the Defendants there
there charged upon Defendants plead
Guilty
2nd Defendant pleaded not guilty
and Says
The 1st & 2nd Witness
Witnesses entirely Corroborate
one another, and their Story
Exactly that told by the 1st Witness
There are certain points to notice
The first all went that Morning
to the S. to
request to

papers to be signed [illegible] without [illegible] his
witness [illegible] who were to sign the document
[illegible] accompanied him [illegible] the
[illegible] any [illegible] them because he [illegible]
rupees were offered as a bribe [illegible] and he
would not return them.

There was only one flagrant discrepancy I could find in the evidence of the witnesses for the defence and I think it is on a point on which if the story [illegible] true [illegible] would be [illegible]

I [illegible] calling to mind a circumstance of this kind in which the sub-magistrate was a principal actor his appearance [illegible] its [illegible] on [illegible] say [illegible] [illegible] either [illegible] he wind [illegible] [illegible] that the [illegible] a long white [illegible] neck [illegible] his [illegible] [illegible] towards [illegible]

[illegible] this [illegible] ther [illegible] te

the sub-magistrate [illegible] both
any clothing above his waist.

Two other witnesses [illegible] but the defence dispensed with their evidence as unnecessary.

[illegible] this case is a very important one as it affects the [illegible] of the sub-magistrate [illegible] from the gravity of the charge and the largeness of the [illegible] [illegible] therefore gone into it with great care and [illegible] I have no hesitation whatever in coming to the conclusion that the defendants are guilty.

I will first touch on the [illegible] [illegible] of improbability in the whole [illegible] first the amount of the bribe [illegible] its being brought first in a bag [illegible] and the remainder being [illegible] the next morning. Thirdly the defendants not having attempted to conceal their action from the [illegible] [illegible] are capable of simple explanation [illegible] the [illegible] borne by the defendants to the person they charged would suggest

suggest that the bribe should be
a large one and have risen if as
is very probable they were certain
to refuse it would be a very common
they would deliberately offer a large
bribe in order to degrade the Magis-
trate and thereby get the better of
him in dealing with his enemies.
I believe a great many people
into which the figure 7 enters are
considered unlucky in the same
way as the English people consider
13 an unlucky number. 7-17-70-700
-77 are all unlucky figures such it
is quite possible therefore that
accused
if his case
any Magistrate would not take special pains
to conceal the fact for the members
of his house hold because they
would make no difference
On the other hand there
are numerous [illegible] impro
babilities in the defence
It [illegible]
the Sub-Inspector [illegible]
to hinder the Case settled among
the

the Court must be directed to the
deposition of the Sub-Inspector
that all must come to a very short
the case may probably be dragged [illegible]
it to [illegible]
from [illegible]
perfectly well let him off with the
chance of without [illegible]
opportunity is [illegible]
it to [illegible]
of trying the case? The Court
will be for the case to be fully
tried through and the trouble
that there is [illegible] (as) [illegible]
who had better enquiry to [illegible]
to pay
of Rs 2 so that afterwards
consented to pay a large sum
namely Rs 2.50; [illegible] not to pay
[illegible] per annum - but in a hope
sum shall be enforced for three
years by [illegible] ordinary [illegible]
[illegible] was frightened [illegible]
the
punish him also [illegible]
for being a members of an (unlawful)
assembly three defendants were
fined

fined Rs 5 each by the Sub Magistrate
would then tell Defendant to Save
himself the fine or fine & Imprisonment
Contended he was also told by
his Vakil to pay the fine & Demanded
I think not

(3) That the Defendant took certain
persons with him to witness
the Signature of the Deeds and
the payment of the Money when
they got there the other Principal
who was to draw up the papers were not
drawn up the Sub Magistrate
said going to Cutchery get the
Deeds & receipt and then he
the other party was ready
to come with the Sub Registrar
also had to Show a hundred rupees
(4) When they returned in the
evening for the Deeds & the executed
they took witnesses with them
Sub Registrar was ready
for Signature

(5) The Sub Magistrate became
angry Simply because the Defendants
asked

asked to him
to sign
to prove
to pay Rs 1/-
cause the ruin of all his
respects and by
himself
Or it is
that he

to show that the property
going to keep the papers
well so far as to bring
and show it. However
denied that the money

Swearing I
his own

to the Coroner's Jury brought
proceedings the charge of [illegible]
unfavorably [illegible] upon
Coroner
says he was
I believed that he had been
brought over by the Defendants
as he was the most important
witness against them and I have
the Preliminary Register No 109-1872
committed him to take his trial
for Perjury before the Court of
Quarter
The evidence of the defence
consists of three (3) witnesses who
testify
same story in every particular their
statement seem very credible
but I was particularly struck
by their manly corroboration
on various points and the
eager [illegible] volunteering
[illegible] I attended both
the [illegible] very carefully
each one evidently impressed
me without being asked for
such

such details that Buddiah Chetty
both the boy and Complaint the officers
had planted the Coins in Kandiah
pocket and the Conduct of the
Police Officers by such
slight circumstances as this I was
irresistably led to the conclusion
that the defence witnesses had
learnt up their Evidence out of
Court and Came in fully primed
with this lesson so This Contradiction
as to dress I have before noticed

Even other Summoned witnesses
were voluntarily dispensed with
by the Defence as unnecessary

Further Reasons

I am fully satisfied of the
Dependants guilt and
Sentence him to a very severe
Punishment Bribery as an
offence against which should be put
down by Strong measures
when the Parties
are taken in the Act
Several Sentences for a number prisoners
which renders the action more
reprehensible

reprehensible as those if Kandiah had
tried to procure witnesses to
prove a false alibi or to have
offered a bribe that the
might have a decision of
their favor which they
might hold up as a proof
of their right to the three
years Lease of the Village
I therefore determined to inflict
a Severe Sentence on the prisoners

Findings and Sentence

The Court finds that (1) Buddiah
Chetty (2) Pulliah Chetty are
guilty of the offence specified
in the Charge namely that (1)
Buddiah Chetty (2) Pulliah Chetty
have abetted by instigation the
receivance of a bribe for a
Public Servant and have thereby
Committed an offence punishable
under Sections 116 & 161 of the
Indian

... Private ... and directs the said (?) ... [illegible] ...

[illegible]

The Court further directs that the Rs 6.90 before the Court is confiscated and carried to the credit of Government

(Signed) R. Sewell, Asst. Magt.

Date of sentence 3rd June 1873 } (True Copy)

[illegible]

Enclosure 2.

To

A. [illegible] ... Head ... [illegible] ...lector and Magistrate of North Arcot District &c. &c. &c.

Most honoured Sir,

1. In obedience to your honour's verbal order, I beg with all due deference to submit the following explanation, regarding certain allegations and false complaints preferred by P. Penchulu against me, under confidental hope that your honour will be pleased to take the ... [illegible] ... to kind and deep consideration ...

2. In answering to the charge brought against me, I beg most respectfully to submit, in the first place that, malice prepense set a foot such false charges is self evident, that the Complainants petitions greatly differs from his deposition, that the complaint is wholly unfounded that has been brought against me by P. Penchulu, that I was not aware of the nature of the complaint or charges

brought

brought against me, until after you have finished enquiring, when I was called to examine the Complt and few of his witnesses, who, having taken advantage of my absence, had already poisoned your mind against me.

3. The first and foremost charge brought by the Complainant against me is, that I committed and punished him unjustly for stealing certain wood from Government forest, which belonged to me under a free License from Kirkambandy Coligar and I do most solemnly that I never obtained a license for building wood from the Coligarate Kirkambandy nor I desired the Complt to fell it for me in connection with which the Complainant alleges that to punish him unjustly, I had been concerned. I would not have in the first instance interfered at all and taken up the case; if I had taken it up the head Quotine I could have easily acquitted him and got the wood for myself, if it really belonged to me; on the other hand he would have prosecuted the matter during the trial had there been any Mistry about it, as he now alleges; he was allowed sufficient opportunity to cross examine the witnesses and to state what he had to say in his defence; he was aided by an intelligent Vakeel, who would have contended, put in petition at least and stopped the trial; or he would have appealed the alleged fact in appeal, which he has once

years and the whole matter, therefore in its face, is after-thought & Concocted one.

4. I most submissively beg to disclose that at the request of the then Sub-Collector, Ganjam, I undertook to take up the case against the Poligar and having gone through a most careful and searching enquiry, I had to find him really guilty of the theft of Government property &

Calendar No 157 of 1874 on my file.

more and had to convict him and others and to pass a sentence, which my Divisional officer, in his discretion had to approve of, with remarks that

we deem more severely punished than the others, for his daring act to abet the theft of Government property and then setting bad examples; I herewith beg to append copies of the calendar and proceedings as documentary evidence and to refer also to the Sub-Inspector's deposition and also to the whole records in the case and

with good and honest intention there

5. That the next or 2nd charge noted in his petition is that I obtained or as ill. legal gratification from the Valiyar in order to help him in the disposal of cases in his favour but he does not depose to this fact nor has adduced any evidence in proof thereof, and he is solemnly declare that it was not

proceedings. The statements of these witnesses form part of the record of the case calendar viz No 1 of 1924, on the file, are more trustworthy and therefore I beg to cite their statements also as documentary evidence in support of my defence.

6. Next point to be enumerated with me to consider is why Mr. Nambiar and others should try to forge a new license when the complainant has declined to produce one with him. There would have been no need for Mr. Nambiar and others to forge a new license when the complainant himself to produce it in order to prove that he was not without a valid license, but when he himself asserts that his license was not to be found in its usual station there is no

[illegible] 7th The third charge is, that he
[illegible] to him in his fear, as to induce him
to give [illegible] certain false petition or proofs
to save [illegible] and to criminate himself
by wrongfully [illegible] it. This is totally denied
and submit that it cannot be understood
what necessity there could be for it by
his doing so and criminating himself
by any intimation or act of my fear, as he
represents, is inconsistent. For, naturally
he could not but have been grateful to
me, having, after just a few days dispute,
provided his pet and again that I was
going to [illegible]
swearing falsely, that on or about the
[illegible] day, when he came there with
the [illegible] witnesses and on [illegible]
[illegible] previously for that examination,
I said to him that it was my house,
and that he came with petition, the [illegible]
& 13th witnesses, who deny all knowledge
of [illegible] and he says he had given
the paper to Pollock after finishing
them in the house of the 11th witness,
and again retracts and says that he
had

[illegible] that fear of [illegible] provided
more grudge the matter complained of
also speaks to his interest from [illegible]
from the [illegible] and
[illegible] the examination and
may reply thereto. That the 11th witness,
who [illegible] the complainant
and whose evidence is more essential
and whose evidence is more essential
on this point than [illegible] the
last himself or his counsel could
have put in a written statement,
for which there was no restriction. His
for which there was no restriction. His
[illegible] in case calendar
[illegible] as a proof positive
of [illegible] and can prove by
a cloud of witnesses that there are many
witnesses of his on there are many
that no such thing [illegible] ever occur
[illegible] to the complainant's support
[illegible] that complainant
[illegible] for the delay in getting
[illegible] that there was no objection
made to [illegible] except the one that
[illegible] case

Cross-examination

[illegible] Deputy Commissioner
Officer, when the Complainant
visited [illegible] he was
not a person to keep back certain of
his petitions as that was [illegible]
who spoke to him about [illegible]
subject.

[illegible] the license, the 1st witness
[illegible] handed over to him [illegible]
in my presence and that there were
no persons at the time. That the 2nd
[illegible] to say that it was
stated in the Chattopadhyay [illegible]
that there were no persons but the 1st
asserts that there were several persons
Gumastahs when I handed over
the license to the 1st in the Chattopadhyay
the 1st witness to say that it was not
the joint income of the 1st and that of the
Complainant.

[illegible] advanced

[illegible] case with me and I am able to
[illegible] by receipts that I paid Rs 50 for
each to try against the Petitioner [illegible]
he was indirectly [illegible]

I did not [illegible] my wood, for I do not
a dealer in it, nor I have any intention
of building a house. If it is supposed
that I took it as a bribe, then the question
[illegible] why I did not return [illegible]
currency notes or in any other case [illegible]
and again he says that such licenses
are always [illegible] others, I beg respectfully to state that [illegible]
he produce one witness he himself acknowledges that the license was issued
for reasons on the payment of Rupees 3
Sicca rupees.

I humbly beg to account that
in introducing a new point, not mentioned
in his petition, the complainant [illegible]

Gangulu Naidu and others to see the loading of the wood, who is he for the first time discovered that it had been cut in the Government jungle. What necessity was there for him to take [illegible] and see the loading after once declining to have any thing to do with it? Was it to assist me out of friendship or for any remuneration or any thing else? We it as it may could he not try to inform the higher authorities of the fact immediately after he discovered it was Government wood, for the felling of which he had not only enjoyed [illegible] considerable sum. He again in his petition alleges that I and Gangulu Naidu conjointly got the wood fell fraudulently in the Government forest, I beg to submit that had it been the case Gangulu Naidu would not have brought the charge and I could not have convicted [illegible]

their work as alleged - a distance of 15 miles where they are of very little use (especially) to watch the proceedings and to find out anything against me as [illegible] these will go to establish that how far they are prejudiced against me with a bitter enmity and that too not in a less degree, and I can only say that no body could be safe in the world if any amount of confidence is placed upon their evidence that the 13th witness not [illegible] when he was [illegible] by my officers and that the [illegible] was [illegible] of the Government wood and which [illegible] was preceded by [illegible] previous to his retiring (Cal. No 86 of 1876) has also grudged against me, and to [illegible] of the other witnesses, of whom [illegible] took up their state to their knees [illegible] I can only [illegible] position

position that they can be brought
over easily.

16. I beg to submit that the whole evidence is so superficial & inconsistent as not only to throw a shadow of doubt but also to evince the combination of certain persons to cook up the case out of spite, than any thing else, that from what I had occasion to cross-examine, few of the witnesses in a short time of 3 hours, and that to say more a great, your Honor will find that the contradictions of the complainant and that of his witnesses, indeed are so glaring that a plain reasoning man can guess throughout the case, their exhibiting animosity, taking interests in the case more than the complainant himself and their conduct during the enquiry as to the taking time in every answer & retracting it &c. &c. unreasonable to the questions given by

on this point 12th witness [illegible] that the 1st, 6th, 13th, 16th & 19th witness and Gotuk came to my house on the occasion and all sat on the ground while the Complainant says that the 6th & 16th witness [illegible] on a carpet and that the 19th was on the Verandah and it seems that there were [illegible] the 6th witness denies having come to my house at all on the occasion. Even the 13th witness has no knowledge of it and that the 19th still differs to say that it was the 1st & 13th witness & that he came to my house and that himself stood outside & the 12th witness [illegible] that the 6th witness denies having come to my house at all on the occasion. Even the 13th witness has no knowledge of it and that

that the 16th and 17th are silent on the
subject that the 17th witness deposes that
there were people at my door on the occasion
but the 15th and 16th differ to say that
they were not.

9. It is also disclosed that
the witnesses 12th 15th and 19th who were
carefully watching the proceedings
[illegible] the party went to the 11th
witness house where also they watched
the preceding hours. That the 12th 14th 17th
witnesses swear to their having seen the
6th brought the stamps and attested
to the papers written on the slate
witness has taken to much interest
in the petition itself is the fallacious
to note from all this circumstance of
the petition and their agreements
dated 30th October 1874 whereas
it would be impossible for any one to recollect
a recent date of a principal event.

10. That the Complainant
accuses me for not having recorded
certain statements which he made
[illegible]

advanced to Rupees [illegible] the wood
white he received only 10 Rupees
and that he has yet to receive
Rupees 10. And that he received Rupees
9 [illegible] the only witness on this point is
the 17th the only witness on this point is
follows:— That the Complainant
or the 1st witness says that he met with
the 17th in the Bazaar, whence they
came together to my house, but the 17th
differs to say that he (1st witness) came
to my house in Kurnalsee there and
to my house in Kurnalsee there and

& the Money was paid and discribes as to
his having stated on the [illegible] and that
the 17th on the [illegible] but the 17th says
that it was not on the [illegible] but in
the house all the [illegible]

[illegible] from [illegible] in several other points as to time and manner in saying and [illegible] the 17th speaks [illegible] to the record.

That the witness in introducing a new point deposed to his having said in his deposition that the wood was for him (the Justice Magistrate) he wrote down that it was for Panchulu. The complainant himself is not aware of this.

5. That to the [illegible] 2d 3d 4th 12th 15th & 19th I beg to submit that one [illegible] being either furnished from [illegible] or committed to the [illegible] personal grudge and private pique [illegible] apparent on

of mind in observing [illegible] will all the [illegible] that your [illegible] for the [illegible] to [illegible] to [illegible] to [illegible] Court and [illegible] above [illegible] see that the latter [illegible] Court to the District Prosecutor [illegible] Court it personally paid one [illegible] by the [illegible]

18. To speak of the Comptroller himself, I beg to be allowed to suggest that he has no proper means of defence, except by stealing Govt. wood of which he was once convicted and sentenced by one with one month's rigorous imprisonment; and there is another case of similar nature against him now pending under the enquiry of the Forest Department.

from my life, I had to warn him
~~once of late and~~ to ~~warn~~ ~~him~~ ~~not~~
have about the Court much, and
~~I warn the said Court~~, I have every
~~reason to believe~~, for him to come
~~against me armed with a false~~
~~Conspiracy from the~~ ~~purpose~~ ~~through~~
~~he had removed from my hands~~
~~which he had~~ ~~forfeited~~ ~~&c~~
that private pique was the
~~cause~~ the impetus for the ~~origination~~
~~of this base~~ ~~faced~~ the ~~and~~ I must
thank him for not bringing a
~~could have~~ ~~brought~~ to one convicted
~~of even a~~ ~~murder~~ by such false
~~witness~~.
~~And all~~ ~~I~~ ~~really~~ ~~cannot understand~~
~~what~~ ~~this~~ ~~project~~ ~~is~~ ~~proposing~~
~~the~~ ~~present~~ ~~circumstances~~

in the very act, ~~of~~ ~~which~~ ~~he~~ ~~is~~ ~~now~~ ~~to~~ ~~answer~~
yield to his ~~hatred~~ ~~&~~ ~~disarm~~ the ~~injustice~~
~~to~~ ~~establish~~ ~~enmity~~ ~~between~~ ~~the~~ ~~two~~
~~hideously~~ ~~and~~ ~~that~~ ~~I~~ ~~should~~ ~~rise~~ ~~on~~ ~~me~~
hand and ~~let~~ ~~him~~ ~~fall~~ ~~more~~ ~~freely~~
and openly to ~~go~~ ~~unchecked~~ ~~in~~ ~~the~~ ~~other~~
in proof of this I can refer to his petition
& ~~cite~~ ~~evidence~~ ~~in~~ my defence.

~~Now~~ ~~I~~ ~~pray~~ in fact of the above evidence

your honor will find that the original
accuser, ~~to~~ ~~the~~ ~~Court~~ ~~has~~ ~~forfeited~~ ~~his~~
~~position~~ ~~as~~ ~~being~~ ~~a~~ ~~party~~ ~~against~~ ~~me~~ ~~in~~ ~~this~~
indubitably established by the ~~evidence~~
~~is~~ ~~proved~~ that ~~he~~ ~~has~~ ~~acted~~ ~~in~~ ~~such~~
has produced such evil consequences that
~~it~~ ~~would~~ ~~not~~ ~~be~~ ~~fair~~ ~~to~~ ~~use~~ ~~the~~ ~~evidence~~
~~now~~ ~~recorded~~ ~~against~~ ~~me~~, ~~if~~ ~~it~~ ~~was~~ ~~intended~~
~~to~~ ~~be~~ ~~used~~ ~~against~~ ~~me~~ ~~most~~ ~~dishonourably~~ ~~by~~ ~~him~~
~~came~~ ~~to~~ ~~solicit~~ for a ~~fall~~ of ~~fortune~~

of [illegible] importance to the
Case under the inquiry and therefore I
earnestly beg to suggest that he may
be communicated to at least on the
subject.

22. I crave permission
to submit that supposing I had
employed the complainant to fell
wood in the Calagarh forest and
that he went and robbed off the
Government property that was
which is came to my knowledge
I never let go [illegible]
for
remuneration but punished him
to the extent of my powers. Even
As the case is taken into this light
it should my Lord I submit
and not that credit

that

at last by, that my intention
was honest, in awarding the pu-
nishment, which the complainant
has received from Issg Chander &
upon which the whole case is based.

24. That therefore ~~by~~ with
profound respect I beg most sub-
missively and earnestly to solicit,
that your honor will most com-
passionately take the above cir-
cumstances into kind and full
consideration and be pleased to
[illegible] which
tempted to put [illegible] off too much.
[illegible] entirety of extreme
[illegible] I beg to subscribe myself
Your honors most obedient humble servt

In the Civil Court of Buddha
The first day of March one thousand
eight hundred and seventy three

Present

J. W. Best Esquire acting Civil Judge

Original Suit No 56 of 1873

Malcolm Chitty of Tirpatty } Plaintiff

Ram Dustajeer Sah
Late Magistrate of Tirpatty } Defendant

This Civil coming on for hearing
the Court delivered the following

Judgement

This Suit was instituted in the
Chittoor Civil Court and transferred to
this Court at the request of the Civil
Judge of Chittoor vide Proceedings of
the High Court dated 21st October
2. Plaintiff sues to recover from the
Defendant (Late Magistrate of Tirpatty

on the North Arcot or Chittoor Dist)
the Sum of Rupees 2000 as Compen-
-sation for loss sustained by Plain
-tiff in his reputation and in his
in Consequence of Plaintiff's con
-nection and imprisonment on
a charge alleged to have been
falsely and maliciously preferred
against him by the Defendant

3. Defendant states that the
charge preferred against Plaintiff
was true and denies Plaintiff's
right to recover damages as
asked for in the plaint

4. The issues settled were

I Whether the charge referred to
in the plaint was preferred against
Plaintiff by Defendant falsely
and without reasonable and
proper Cause?

II What sum should be the pecuniary
of damages that should be awarded
to Plaintiff?

5. The following documents have

have been filed by Plaintiff by
Plaintiff

A Harvard Diary Calendar Case No 7/72
of 1872 of the Sessions Court of Chittoor

A1 Deposition Notes by Defendant in
the above Calendar Case No 7 of 1872
on the file of the Assistant Magistrate
of Kuppam

B The entire record of Calendar Case
No 8 of 1872 on the file of the Sub Court
of Tirupati

C. The order passed by the Sessions
Judge of Chittoor in Criminal Revision
No 2 of 1872 dated
the Conviction of the Plaintiff in
Calendar Case No 7 of 1872 of the
Assistant Magistrate

D Copy of charge framing Memo
Sentence in Calendar Case No 7/1872
on the file of the Sessions Court of
Chittoor

E. Urge No 58 of 1872 addressed by
the Defendant to the Asst Magistrate

of North Dakota

I. Deposition of Tuskahansic A
Exhibit witness for defendant
Calendar Docket No 43 of 1872 of the A
Assistant Magistrate of North
Dakota

G. Deposition of Rotten as second
witness for defendant
the same Docket

H. Deposition of Reuben Hall
as 3rd Deposition witness for defendant
the same Docket

I Summons to A. G. Plaintiff

II Writ No 43 of 1872 addressed
by defendant to the Assistant
Magistrate of North Dakota.

III Deposition of Good Eagle
as a witness in Calendar Docket
No 43 of 1872 of the Assistant
Magistrate of North Dakota.

5.

IV Deposition of the same Eyed Eagle
as 2nd witness in Calendar Docket No 43 of
1872 in the Session Court of Pettibone

V Deposition of Shark Tooth Head Dress
as witness in Calendar Docket No 43 of 1872
of the Assistant Magistrate of North
Dakota

VI Deposition of Thomas Ross as witness
in the same case

VII Deposition of the same Eunice Ross
as 4th witness in Calendar Docket No 43
of 1872 of the Session Court of Pettibone

VIII Summary of evidence of the
Assistant Magistrate of North Dakota
in Calendar case No 43 of 1872 on
the file

K.D. Summons issued
Defendant for Plaintiff

7 Plaintiff has examined four witnesses
who testified from the Calendar
Docket and Writ now to these
depositions before the assistant

to imprisonment for one month
the defendants in the above case No 80
The assistant magistrate tried Plaintiff
and Pulleah Chetty in Calendar cases No 43
of 1872 and convicted them but in
connection with the appeal
to the sessions judge [illegible]
that the said magistrate had not the
intention of the Prisoners (in offering
bail) the money yet it is clear that the
connection was preached before
the Prisoners were entitled to the privi
If any doubt rather than before
the Prisoners had proved that
the charge against them by the
defendant I have thought it
necessary thus to protect the appeal
by the sessions judge
petition to the Plaintiffs Vakil
has which reason appeal and
the judgment in Calendar case
No 76 of 1872 Can this the Position
in which the Plaintiff is placed
by the payment of the money by
Plaintiff

Magistrate and Session Judge Exhibit No III to III
& It appears that in Calendar
case No 80 of 1872 of the Sub
Magistrate file Ramiah (Plaintiff)
Pulleah Chetty and Sivan
were charged with having unlawfully
assembled together for the purpose
of forcibly ploughing on land which
the Plaintiff claims to have
right to hold under a lease
executed by the said Sreenivasa
Petchidai The charge against the
defendants in the above case
was laid by the Police on the
complaint of the Plaintiff
in his letter No 80 dated 13th August
(Exhibit) the defendant reported
to the Assistant Magistrate that several
of the Prisoners were of the
Plaintiffs party & that Pulleah
Chetty had enmity with Plaintiff
offered to him a bribe of Rupees 70
if he would convict and sentence
to

Plaintiff to Defendant) as strongly supporting his case

10 The questions for Consideration
in order to come to a decision as
to the fate of the following
(if the facts as stated by Defendant-
ant viz) viz. that the money
was offered to him
(Defendant) to induce him to Commit and
imprison the Defendant in Case
No 80 of 1897 then pending before
the Defendant in his Capacity of
Magistrate? Or was the money given
(as stated by Plaintiff as payment
in advance of rent for 3 years
for the Land held by Plaintiff as
Tenant from Defendant.

11 Defendant states that the money
was brought to him along Plaintiff
and tendered to him to induce
him to Commit and imprison
Plaintiff as aforesaid and his
part. The Assistant Magistrate
was satisfied with the Evidence
of the witnesses in Calendar Case
No 43

No 43 of 1898 to Question the State Appeal
Thereupon the Defendant's Counsel
was requested by the Court to state
if he did not say that he should institute
proceedings against the Plaintiff
and the witnesses who gave evidence
in addition to the Complaint
Case No 80 of 1897 that I see no reason
desired it to the evidence of the
3rd witness Mr. Rowe who spoke
to the effect that having been
told with the money to be placed
at the Post Office along with the
Plaintiff's money that the
money was not put in the box
Say three days and about 9 the
Plaintiff came to me and that
there it was not being there about
the Plaintiff's going to the Post Office
to go to the Post Office to come
to me in the evening when
I would do my regular business
again and by the time I got back
I found the Plaintiff's money
in the box opposite to the Sale Keeper

that

to say the said Magistrate threatened
him in using [illegible] that the
Plaintiff should be compromised
[illegible] first said that
he would not [illegible] any one
[illegible]
[illegible] out of the Kachari he
also stated that the said Magt
threatened him [illegible] subsequently
Plaintiff stated that the suggestion
to be compromised [illegible] the threats
[illegible] always
[illegible]
[illegible] but being called upon to explain
[illegible] Plaintiff state
that by "[illegible]" he meant that
the said Magistrate spoke loud
[illegible] he meant
the [illegible] which
appeared from the evidence
of [illegible] witnesses to be [illegible]
[illegible] from
the Kachari [illegible]
on the part of the Plaintiff
is further manifest from the
fact

fact that [illegible]
a [illegible]
to attend to his shop at [illegible]
during the time of his [illegible]
[illegible] at his own [illegible]
witness corroborates the evidence
of the Defendant [illegible]
to the effect that Plaintiff [illegible]
[illegible] shop [illegible]
[illegible]
15 [illegible]
having [illegible] Plain
-tiff [illegible]
[illegible]
to him [illegible] for the
purpose of having paid the said
[illegible] with a view
to settling the dispute between
him and the Plaintiff and the
[illegible] Defendant then
[illegible]
[illegible] speaking the truth
16 As [illegible] Defendant's
favor

admits that he is the head of a village
people of Kirkee and that
it does not happen to be within the
experience of this Court to know
that in a village so divided
is no consideration when the object
of one party is to get any body
member of the opposite party pu
- nished and disgraced

17. I do not believe by Plaintiff that
he Krishnaji and paid it to the
Defendant at his house It does
not appear why he was
induced solely by threats to comp
Promise by a payment of Rupees
30 more than was payable as rent
per annum Plaintiff should have
recently been so angry (as he states)
when he found Examinate Bitthidas
declined to agree to these terms.

18. I find that Plaintiff has altogether
failed to prove that he gave the
money as "Razi" money to be paid
to

I am treated as a semi prisoner, thereby losing my reputation, which I have, as a descendant of a noble family, maintained throughout.

3. That on the other hand my successor Venkat Row, who was once dismissed from service by a full meeting of the Collector immediately under these proceedings under date the 8th August 1872 is busily engaged & working successfully amongst his own creed & make up cases against me at Inpetty, almost every day; That the Kishkapooram case, which was, just few days before, inquired into & dismissed as false was the result of his exertions. yet I am threatened of making a movie false cases as waiting for my disgrace; That his creating cases to injure me is the duty of the day, the object is apparent in face of the very circumstances, it being to injure me & get himself confirmed in my place.

4. I crave permission to submit that the Collr, having failed in several attempts to injure me, has, I hear, now prepared 3 long letters to the Govt, Board & High Court respectively, representing many uncalled for, unfounded & not relevant remarks, charges or mistakes, as having been committed by me during the whole term of my career as such magistrate, so as to mislead the higher authorities for my dismissal; I shall be prepared to submit explanation in reply, should I be placed in possession of a copy of the letters, not however, now, I crave only to refer to my several testimonials, which, I humbly submit, will fully establish my respectability, honesty & efficient discharge of my duty & will tend to show to some extent that, I am entitled to be treated in a more respectable post, & it would have been the case with me but for the deplorable injustice done to me by my Collr for which I always lament very much. And I think I can safely point out in few words, that if all the misrepresentations were true, the question naturally arises in your Hy the Govt would have allowed me to remain so long in the public service. It may not be out of place to submit, that from the doings of my master themselves, your Honour will find, the gentleman of high power & position is a bitterest enemies to me indigent poor & helpless servant as myself who, being the only mohamedan among the Hindoos, & being thus bullied from every side is so much disheartened and discouraged as not to know, in reality, what to do, than to raise my hands for help from the higher

the pegker authorities, being kindly
placed in so dangerous a position
as to consider himself in a whirlpool
almost drowned.

5. I therefore beg to solicit
the favor of your honor once
again submitting my unfortunate
case & lamentable circumstances
for your mark of kind grace
the Governor's favor, in order to my
reinstatement for the present
used to transfer my services to
another district, when it is ascertained
that I am innocent but wronged.
It will be a great boon, which
will, no doubt, save my reputation
& life & which I shall always
remember with feelings of great
gratitude.

With sentiments of extreme
respects & esteem.

I beg to subscribe myself,
Your honor's always most
obed.t, humble & hopeless servant.

Chittoor,
13th Sept.
1876.

M. C. Seshiengheer.
Sub Magh. of Jupeetty,
now under suspension
with the Coll.r's office.

P.S.

6. As regards the murder
case now before the Govt, I humbly
beg to submit that if the explanation
contained in my petitions of the 27th
ultimo & 2nd & that of the 8th Inst. & to
is not considered sufficient, I shall
be prepared to submit a more
satisfactory one, should I be
placed

placed in possession of a copy
of the Collectors letter on the subject

7. Beg to inform your honor
that this morning I had been to
the Coll.r on business, on which I
received no reply from the letters,
or any instructions as to when
I could happen during the Head
Assistant Coll.r's absence on leave
in perusing, I happened to see
the gentleman in his compound,
He became furious and told
me in angry tone that he did
not want me to come to his
house & speak to him, so I was
turned out in a most disgraceful
manner. I beg to submit that
that the Coll.r always holds his
office in his own house, his
peons do not allow me to enter
his gate & seeing my letters. My business
are not accomplished. What have
I to do, so I have no other alternative
than to sit under a tree as a pros.
at his gate. How long can I
to suffer in this manner. Pray
for mercy.

Your honor's most obed.t &c
M. C. Seshiengheer.

Coord.
1876.

enclosure 1.

To

[illegible]
West Wellington Collectorate
North Arcot District.

Most honored sir

In supplementing my explanation of the 6th instant, already submitted, I, according to your honor's verbal order, beg to submit the following lines in my defence to the further enquiry held in the case, on the 15th instant, at Vellore.

2. That in introducing a new point the Complainant files two Licenses signed by one Nompathy Nattal, showing that 24 bandies load of firewood was some three years back allowed to me free of seigniorage, I beg to state that at that time I had asked Pottiah to supply me with 30 bandies free for the expenditure of a marriage, then I had to celebrate, promising him pay. [illegible] a favour of courtesy or perhaps thinking nothing [illegible] it to me free as it was

to

[illegible] to the best [illegible] one 3 or 4 days Licence,
for the quantity of fuel I wanted, this
fact I never denied at the day
of first hearing [illegible] since last, as well
as in the subsequent Petition,
but I as stated had no present
mind or was not in a position to give
all the transactions then and there
before you when I was taken by surprise
by the production of the Licence and
was asked to state all about it, which
was impossible for me to recollect
at [illegible] however on
Returning home and examining my
accounts and papers I now find
and see that I had paid the value
thereof and obtained a receipt of
which here is a copy for your honour
[illegible]
by independent evidence. I pray
this to his reluctance, because I
did not like to be under his obligation
for this small sum, out of a large
one I split for the happy occasion.
The [illegible] petition although

9

I doubt their genuineness might be
one of those I acknowledge. This state-
ment is in supression of the one I
stated before you.

3. I also admit to the fact
deposed to by the 2nd witness for my
having obtained the firewood on pay-
ment of one rupee per bandy. The fore-
bearance to his not having given the
Licence in question to the 2nd witness

4. With reference to the
subject of paragraph 5, the complainant
now deposes, that I had been instrum-
ental in getting forest to the Palagar.
I hereby beg to submit that I had
no hand in it and that it was the
then assistant Collector, Mr Robert
Cavell, who had come, inspected the
forest in person and settled the matter
in dispute. That except [redacted]
in a position to allege of any thing more
against me. He however deposes to
as [redacted] by the 2nd witness
to get these licences back from him
for [illegible]. This fact is contradicted
by

to, and deposed by the witness (1st) him-
self.

5. In continuation of paragraph
8, of my defence I beg to add that the
complainant still differs to say that
he did not come to my house with the
false petition and was deposed to
by him before that he deposed to his having
given the paper to the 3rd witness and
Gottiah upon a pial of the third person
in a lane not far from my house.
These differences, I humbly beg to suggest,
are not to be considered minor ones
but since they are spoken of by his
(are)
own most important in
weighing the testimony and to give
discredit to it, I have thus shown
the evidence of this and other witnesses
to be full of discrepancies and
utterly untrustworthy and I have
[redacted] stated [redacted] of his
own mouth.

6. With reference to the
subject mentioned in paragraph 9th

I appear to say that it was I that
handed over the license to him

7. As regards the receipt
alluded to in paragraph 10 the Complt
further differs to state that he gave it
some days before the money was paid
and that there were none of my people
on the spot.

8. In continuation of
paragraph 7th I beg to add that it was
not only the Complainant but other
persons therein referred to also, have
cooked up the whole case to profit
themselves and set up the Complainant
to work with a hope I am credibly
informed of getting me dismissed (as they
they have already fixed their rates)
in the money which the Complainant
may extort from me. Their working
hand to hand is also spoken to by
the 2nd witness and that their cunning
[redacted]
to Colagar in a criminal case before
the Magistrate at Narayanaveram,
will to serve their purpose I am told
that thus they [redacted]
extortion rewards them to share
among

among themselves including the Complt.
and that my case was another job in
their view.

9. In addition to paragraph
20 I crave permission to submit,
that the complainant has not only
expressed before several but also
set up persons (to whom the 2nd witness
is one) to induce me to pay him Rupees
one thousand to withdraw his complaint.
He has been doing so ever since he
has sent in his petition till of late,
which fact I am prepared to prove
by independent testimony. It may
not be out of place to note that I inad-
vertently omitted to note the amount
in my former report, thinking that
it would be better to come out from
the witness mouth.

10. In Conformity with
paragraph 21 of my former letter,
I once again beg to point out the
absolute necessity of taking the Evi-
dence of Polagar's [illegible]
upon [illegible] I intended from
[illegible] by him to have an opportunity
of

of cross-examining the 11th, 18th, 16th,
& 20th witnesses at least, from whom
many a matter ought to be elucidated,
to find out the truth of the case than
anything else and I earnestly humbly
beg to be allowed to call and examine
my witnesses in defence, to show the
in and out of the case, which, now as
it stands, is but ex parte.

11. I really cannot account for
the loss of Polagar's accounts than to
say that it might likely have met
with an accident as deposed to by
the 16th witness, and that there is no
proof whatever to suspect that it
was lost for me although the occurrence
took place few months after the
Complainant was convicted. Could
any one naturally destroy his own
accounts for others or keep it secret?
or could any [illegible]
[illegible] more than to his accounts. Even
Supposing he had secreted it to conceal
the entry of the [illegible] in dispute,
which in fact is not in my frame,
or the other hand it is not in my power of
the

the authorities to make a search.

12. In conclusion I beg to submit, that since all so many persons against me may not be calculated to effect my character, which I have maintained throughout, as I can only say that these persons have united by necessity, to fill up their purse to a step so distraught. Their dissipectability is apparent from their face, conduct, manner and actions and that the complainant who deposed to his having possessed a house worth Rupees 2 Lakhs, has appeared before you with a bottom of Rs 50. I on the other hand beg to call the following individuals of Sirpathy who are undeniably respectable persons as my witnesses to prove my good character the reputability and the confidence reposed in them:—

1 Cadda Pantam Mahanth Darma Das Jee Garu.

2. Pedapa Jagga Paramananthu Garu.

3. Bugga Pantam Prakasha Rajuvaru Das Garu.

4 Redda Jayangaru Garu.

5 Pupore Chatrama Pedda Gurusadoor Srinivasa Narasimha Charlu Garu.

6 Kocha Sachagiri Row Garu.

7 Pungopoor Jagannaicky Chettiar Garu.

8. Kadapan Kandala Govinda Charlu Garu.

9. Poorisa Boangara Chari alias Sreenivasa Parada Charlu Garu.

10. Pethevady Bhiankaram Annah Pethantha charlu Garu.

11 Pethvathy Bhiankaram Annah Para charlu Garu.

12 Kadali Venkata Narsu Panthulu Garu.

13- Karnool Annaiah Garu.

14. Garee Rama Chari Garu.

13- The undermentioned persons of Sirpathy are to show the disrespectability of the complainant want of his proper livelihood that nothing occurred during his trial as alleged and that about 4 months ago he was warning the people to have about my Court to extort money from parties which was in habit of doing and he is not sure of his warmth:—

1 Ekapati Sri Moorthy Court Peon

2 Kandagatla Ramiah

2. Tirupata District Moonsiff Court
upon Shaik Imam Sahib.
3. Ron Executant.
4 Attender Guru Row.
5 Stamp Vendor Krishna Row.
6. Shajna Executant.
7 Tripety Rama Row.
8 Venkata Roya Reddy.
9 Somiah Nayudu.
10. Rajunatha Sharlu.
11. G. Ramachendra Row.

14. That hereunder named persons will show that the Complt was very anxious to obtain one thousand Rupees from me for dropping his case, which document he had been suppressing upon:—

1 Tripaty Dist Moonsiff Court upon Shenadrapery Ranganah of Tripaty.
2 Tripaty Dist Moonsiff Court upon Shaik Imam Sahib of Tripaty.
4. Venkatapa Naidu of Rangonta.

15. That the Complainant had sent me his request by Rupees 1000. through his relative one Biddala Venkatasamy and another Annapurna

his friend of Tripaty. These persons if put an oath, must tell the truth.

16. In face of the above circumstances your honour will find that these charges have been simply trumped up against me, not only in malice of those who were punished by me but also with object to extort money and I beg to solicit that your honour with usual kindness will be pleased to give full consideration to the case and render justice, which I most submissively implore from your honor's hands.

With sentiments of extreme respect
& esteem.

I beg to [illegible] your honor's most obedient & humble Servant

(Signed) M. G. Dickinghee
By Jahidder of Tirpaty

From.
Mr. G. Dunstaphur Lait
3d Class Magte
of Tirpaty

To.
C. H. Cox Esqr
Dy. asst. Collect
& Magte of
N. Arcot &c.

Date — 17 July 1876.
Received

Enclosures

Subject

Submitting supplemental
explanation regarding
certain charges preferred
against him by Syud
Mr. Kenchelan of Kuttalu
Caudy.

Enclosure
No 2

In Misc No 257/76.

I submit that my straightforward conduct & honest intention in the case was apparent in the face of the circumstances & seeing that it was during the sentences the case was committed to the sessions, and that before the Sessions itself the crime was brought home to the accused, that the Judge did not believe the evidence & commit them, and on the other hand made me the party initiated in new is censure. This appeal also, I attribute with respect to any misfortune on this critical occasion.

3. That this is not the first time my conduct proceeded upon the part, in February 1870, not [illegible] a Semi Official of the Chief Secretary, in which the late Lord Robert Cecil proposed me [illegible] appointment.

4. That the Judge having been influenced by an ill will towards the three persons [illegible] Robert Lovell, of the 4th March, was [illegible] subpoenaed & sentenced to [illegible] Convicted by the Jury of the [illegible] (700) hundreds of respectable [illegible] with a request [illegible] that I [illegible] the matter & the nature of my [illegible] mistake superior to the [illegible] made

Cal. No 437 of 1877 on the file of the Supreme Court

Judgment in O.S. No 56 of 1872 of the Dist Court Cabes Peak.

Judgment in A.S. No 780 of 1873 of the High Court.

made a subject of Civil Suit with damages, rupees [illegible] of two thousand, which was decided in my favour by the Dist Court at Cabes Peak, whence it was [illegible] by the higher authority and [illegible] it was finally disposed of by the High Court in my favour.

5. That the Judge having been [illegible] by two Police [illegible] in 1872, in connection of a case [illegible] subjected me to severe remarks, recommending my dismissal, but the High Court, after [illegible] searching & careful inquiries, declared me innocent.

6. Such being the unfortunate [illegible] with me & therefore having [illegible] reason to believe that justice will never be done to me in the Dist Court [illegible] consequently the Police [illegible] [illegible] praying my [illegible] the 6th of the Supp[illegible] mental [illegible] station of the 17th July last, [illegible] Cox passionately the pleasure [illegible] transferring my case to [illegible] it should [illegible] necessary to sanction my [illegible] execution

[illegible] I have [illegible] petition [illegible] the document [illegible] Court [illegible] Secretary [illegible] wanted [illegible]

4.

ving testimonial [illegible], already submitted in a printed book forwarded along with my appeal petition.

8. I likewise crave permission to inform your honor that my Collr is yet trying hard to find out more charges against me in addition to what he has already done. I am credibly informed that the gentleman having sent for the records from my office forwarded the same to his Sheristadar [illegible] Chittoor, to find out faults and that Venkat Row is set up to work against me at Tripetty to find out more charges. If all the [illegible] official correspondence [illegible] passed between the Collr [illegible] [illegible] [illegible] he was so much prejudiced as to repeatedly call me "Blackguard" in open Court, having himself few weeks before stepped to [illegible] Character, [illegible] between the Collr [illegible] [illegible] [illegible] [illegible] [illegible] how the [illegible]

* Tim [illegible] No 13 submitted in printed book forwarded with the Appeal Petition

9. As the Collr is determined not to restore me as directed by the Board of Revenue, I beg to throw myself on the kind and benevolent consideration of the [illegible] for mercy.

With sentiments of esteem respects [illegible]

I beg [illegible] [illegible] myself

[illegible] [illegible] helpless [illegible]

[illegible]

[illegible] Take

[illegible] under

[illegible] restorat[illegible]

To

The Honorable D. F. Carmichael

Revenue Secretary to the Madras Government

&c. &c. &c.

Madras.

Most honoured Sir,

1. In attempting to submit these few lines, I, M. G. Dustageer Sahib of Tirupatty, beg with all the deference to submit the following circumstances for the information of His Grace the Governor under a confidential hope, that your honor will with usual kindness, not lose sight of an insignificant and helpless subordinate, who is most disgracefully treated at the [illegible] [illegible] Collector.

2. That the gentleman, having sent for me into his private Room, has come upon me in a most reproachful [illegible] [illegible] [illegible] [illegible] language, attended with threats for my having left Tripatty for Madras after my suspension and delivery of my office charge, which I do not like to express than to attribute to my misfortune. In short he has put me to shame & disgrace in such a manner as he would do to his own menial servants, and your honor will see that as a descendant of a noble family I have come to serve the Government with respect for my livelihood, but not to be put to shame so disgracefully, for which I actually shed tears. That his [illegible] [illegible] [illegible] [illegible] [illegible] and censured for alleged delay in despatching some of the papers connected with my case. That his

peon Venkatachellum is suspended for having spoken to me on business, about which the gentleman himself has sent the man to me. Such being the state of affairs, my letters to the gentleman are not received by him, so from this that the terror is so great, even vakeels are afraid to speak to me on business.

3. As an instance my collector has brought another charge against me for my having delivered over the charge of my office to my head-gumasta, instead of to my successor namely the Collector. That the gentleman also charged me for my having left the Division of District without his permission.

4. In reference to the first charge, I beg to submit that on the receipt of the Collector's order, dated 29th July, 1876, I was constrained to resign my suspension from office, I was much ashamed to remain in the office any longer and under the circumstances that I was placed in, being unable to wait for my successor who arrived six days after, I delivered over the charge to my head-gumasta and so your honor will find that I have not done an uncommon thing. I think more with me under the present circumstances.

5. As regards the second charge, I think I need not trouble you for any explanation, as your honor will clearly see that after my suspension from office & delivering over the charge, it was not necessary for me to leave the division of District without the permission of my Collector.

6. I say it is not my place to animadvert upon the course adopted by the gentleman in the matter, but it appears to me that he did so with a view to ruin me. His unreasonable exasperation now places me in such a

No 31

To,

The Honorable,

D. F. Carmichael.

Revenue Secretary,

to Madras &c &c &c.

Departmental.

Most Honored Sir,

1. I'm continuation of my petition of the 27th Instant the 27, I most respectfully beg to approach His Grace the Governor with these few lines and humbly hope that His Grace will with his usual kindness take pity upon me of the cries of an innocent and helpless subordinate to myself and pity upon me under the present circumstances.

2. That I have on the 16th Instant appealed under section 295 of the C. P. Code, to the Session Judge North Arcot, against the order of the District Magistrate, making me unnecessarily and without jurisdiction, enter into a recognizance under unusual heavy penalty of Rupees (illegible) Five thousand daily to attend his Court with reference to a charge intended to be brought against me.

me, but the Judge has not dismissed the appeal, merely because the petition contained matters not relevant. This also, I attribute with regret to his misfortune than anything else.

3. The Judge was not kind enough to grant me travelling allowances, as he did to other witnesses for attending his court to give evidence in the murder case, referred to in paragraph 2, of my petition above stated; I, having, on account of an adjournment of the case, twice travelled, had to attend for 3 days for the purpose; but the Judge has refused to grant me travelling allowances for one trip at least, inasmuch as the time, when I am now under suspension. This also will show that bias for the Judge is prejudiced against me.

4. Having come to understand, that the Jurisdictions Board have been pleased to order my reinstatement, but to my Collector has protested against it, under certain [illegible] which I very reasonably believe, are not [illegible] and for which I shall [illegible]

truth

2.

critical position, as I expect timely disgrace, which seems to foreclose some unfavourable end from his hand?

6 Owing to the delicate & dangerous position, in which I am now placed, being judicially bound over under a heavy penalty without a possible help in hand, I am as much discouraged & disheartened as not to think of anything than to throw myself on the kind consideration & mercy of the Government for my immediate relief.

With sentiments of extreme respect & esteem

I beg to subscribe myself

Your Honor's most obedient & humble servant

M. Chuniaphen

Chittoor
17 Aug. 1876

Traffic Code Form C1.

Class. P

INDIAN TELEGRAPH.

Local &c. 578

To (Station) Pulamanad

From (Station) Kurnool

No.	Words	Time tendered for transmission. (Madras time.) Day.	H.	M.	Official Instructions.
	67	5	1	0	Ry P.

To (Person) The Honorable Sir Thomas Munro Bart Chief Secretary to Government Fort St George

From (Person) Dubashee Sahib

1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19 Kelly	20 prepaid	21
22	23	24
25	26	27
28	29	30
31	32	33
34	35	36

Recd. from _____ (L. L.)

At _____ H. _____ M. on the _____

By _____

Date _____

00 MADRAS 5-9-76

Sent to _____ (L. L.)

At _____ H. _____ M., on the _____

By _____ Telegraph

(P. 1)--Govt. Tel. Press,—500000,—26-6-74.

Receipt from Chittoor to Pulamanair

that he should not be able for the
present to be so much prejudiced
against the Indictment, for want
of Counsel more like by deep as he is
in good knowledge of high Treason and
misprisions and what law hath provided
in such case, which law of ours
they hardly understand, and
did desire to be allowed the benefit of Counsel
to plead for him, but they have since
submitted to his orders and Clarity
Considering him not only his Master Lord
but also
to inform your honour, that I am
under Arrest of the Sheriff of Rilamanda

to reinstate me, as I believe the Board have once ordered, I most submissively and earnestly beg to solicit that your honor will, graciously, be pleased to decide my case at your earliest convenience should it be deemed by prosecution necessary, I likewise beg to solicit that your honor will, most condescendingly and in the exercise of mercy, be pleased to transfer it to another District for the sake of justice at least

I should I have stated anything disrespectful in the above or any other, I trust that, your honor will be pleased to take into kind consideration, the circumstances under which I have been actuated, and will pardon me for the same as being quite unintentional on my part.

With sentiments of extreme respect and esteem

I beg to subscribe myself

Your honors always most obedt & humble but helpless servant

M. C. Driscoll

Asst Magr & Dy Collr

of Inputty now under suspension & with Collrs Office

Byramdanga
24 Pargana Collra
30th August 1871

To,

The Honorable, D. F. Carmichael.

Revenue Secretary to the Madras Govt

&c. &c. &c.

Most honored Sir,

I have the honor to state that my appeal petition, under date the 10th instant, of M. G. Dastagur Saheb of Periapatty, beg with all the deference to submit the following deplorable fact for the information of His Grace the Governor, with a sanguine hope that his Grace will be pleased to show me some mercy in this critical moment and to relieve me instantly from the painful misery under which I now suffer without a possible help.

I beg to submit that this day I appeared before the Collector at Chittoor in order to obtain the certified copy of his Takeed ordering my suspension, but the gentleman instead of granting me the copy has unnecessarily compelled me to enter into a recognisance, binding me over under a heavy penalty of Rs 5000, daily to attend his Court until after he inquires into the case pending sanction for my prosecution and commits me to the sessions; and thus the gentleman has restrained me from proceeding anywhere to attend to my business, so much so that he has refused to permit me for a few days at least to go & see my child who being now very ill, is at its death door at Periapatty. That the gentleman has not even complied with my repeated requests to bind my over to appear on a certain day; that he is determined to send me to jail; that I could not obtain the services of a pleader to defend

me, being all afraid they refuse to accept my
offer to appear before the gentleman for me.
In proof of which I herewith beg to append a
copy of the letter refusing my offer received
from Mr. H. J. Farrant Barrister at law of the
High Court, who happened to be [illegible]

[illegible] Prisoners which,
I prove are great many waiting upon me
for a painful and miserable condition, I
humbly beg to submit that the infamy caused
by my present detention is so great as to amount
to the loss of my unsullied reputation, which
I have maintained throughout.

I therefore in throwing myself on your
honour's benevolent and kind consideration
with every confidence beg to solicit most submissively
and earnestly for the mercy of his Grace to
show me any favour which I justly deserve.

With sentiments of extreme respect & esteem
I beg to subscribe myself
Your honour's always most obedient & humble servant
Ka. Chenchiah

Chittoor
12th August 1876

881
87

August 14/76.

Dear Sir,

Under the circumstances in which I have come up here, I regret to say that I cannot act for you in the way you propose.

Yours faithfully
/Signed/ H. J. Farrant

(True Copy)
Ka. Chenchiah

Testimonials herein submitted Nos 9 to 16.

be denied me every chance of promotion in the Dept. though I am able to substantiate that I have served during the period of last 9 years with unsullied reputation.

Subsequently my urgency for a Dy Collectors post without his intervention has provoked the gentleman to such an extent as to deprive me from the chance of promotion, for which Lord Napier was pleased to advise me to prepare and Lord Kobarts sanction but my Coll:, who is biassed has caused the chance to be diverted to another person, who was junior to me & side lain to enjoy the fruit of my labours of years.

I have endeavoured to regain the favor of the gentleman by hard works attended with every honesty & integrity but to no use. I regain my pleasing respects to His Grace with solicitations for my promotion as the gentleman to be has read displeased

displeased with me, not in a
less degree, that he is now
determined to recompense, such
being the case, I am afraid he
will not do me justice, nor
will allow any other gentleman
of the dish to do so, so he can
successfully prevail upon any
one to think to his will & therefore
in throwing myself on your
honor's kind consideration &
with the expectation
feel I beg to solicit once again
most respectfully that my
case may be placed in the
hands of a gentleman unconnected
with the dish & lastly I beg to solicit
the favor of your honor submitting
my name for some mark of
the Government favor in view
to restore me at once & to
transfer my services to an adjoining
dish, when your honor see that
I am to be exonerated of the
Charges now unjustly imputed
to me.

In Conclusion I beg to
inform your honor that I am
descended from a noble family
who have through out been loyal
to

vide Testimonial No 6.

Enclosures To,
4

The Honorable,
D. F. Carmichael,
Revenue Secretary,
to the Madras Govt.
&c &c &c

Most Honored Sir,

With profound submission
and every marks of respects, I,
M. G. Devasagayam Sahib, Dy Tahsr
of Tripatty &c, North Arcot Dist,
beg most respectfully to approach
your honor with this humble
appeal & humbly beg & hope
that your honor will be pleased
to give some consideration to
my case & grant me justice

By my Collectrs Jakeed
dated
my services
submitted
to 10 of the 24 July 1876, I understand
that the gentleman having, in
connection of certain allegations
made against me, by one P.
Pensuba of Kurkumbady,
suspended me from office
applied

applied for sanction to prosecute me, I most submissively beg to submit to stand a trial, should your honor, after perusing my explanation of the 6th & the supplimentary explanation of the 17th July last, be pleased to deem it necessary to direct, but having every reason to believe that justice will never be done to me in the Dist., I most submissively and earnestly beg to solicit that your honor will be most compassionately pleased to withdraw the magistracy of either Cuddapah or Nellore Dists., to try the case & render justice.

I crave permission to submit that my reason for asking this favor is owing to the peculiar circumstances, attended with deplorable facts, under which, I labour, with painful misery. In the first place the Collector does ask, as a rule, like to promote the interests of those that were appointed by his predecessor. So I, as one of that class of servants, suffer much unjustly from his hands.

Copies herewith submitted.

Yours

to the British Govt & I shall never fail to prove them progeny & shall never deviate my loyal pace from the kind Govt, which gives me bread & most humbly beg to solicit that some consideration may be given to my case, at least as a special case & render me justice, which I most submissively implore from your honor's hands.

With sentiments of extreme respects & esteem

I beg to subscribe myself Your honor's always most obed & humble but helpless Servt

M. Govindaraghen.

Tripatty,
Augt 1876

Judicial Re 257/76

Jo 28-2-77 No. 86

R&O 1379

MINUTE BY THE HON. R. S. ELLIS.

I agree with my honorable colleague that Ghulam Dustagheer is not fit for magisterial duties. I do not think that in this case there has been a miscarriage of justice, for it seems evident there was no murder, but Ghulam Dastagheer's conduct was abominably careless—if not worse—I would deprive him of magisterial powers, and place him in a lower position where he can do no harm. I do not know anything of the man personally, but the Judge's remarks alone would justify taking away the magisterial powers.

R. S. ELLIS.

Proof.

MINUTE BY THE HON. SIR W. ROBINSON, K.C.S.I.

I CANNOT consent to the retention of Ghulam Dustagheer in a magisterial office.

2. He is declared by two officers of great experience in the district—the Sessions Judge and Magistrate—to be "utterly unfit for his post"—a matter on which the Board of Revenue are scarcely able to judge—and the facts seem to me to leave no doubt of it. The concensus of official and public opinion is stated to be equally pronounced. I personally believe that it is, and long has been so: for I have known the man for years myself and through the late Magistrate of the District, my brother—and can affirm the estimate of his character which has been held by a succession of local officers in various departments. He is, I have long held, a low rapacious creature, and I believe thoroughly corrupt. ~~I have, since I have been in Council, had peremptorily to forbid a monthly postal correspondence (all on one side) which the creature persisted in forcing on me~~ for, no doubt, local objects of his own. I mention this as other influential persons may possibly ~~have been similarly exercised.~~

3. I hold that we cannot fairly inflict on the public the further judicial services of this person—and least of all remove him to a district where his antecedents are unknown.

4. If desirable to retain him in the service, he should be removed to a post of less trust and more under supervision and control—a Taluq Sheristadarship or the like—on this point the Magistrate might report.

24th February 1877.

W. ROBINSON.

Private

No 862

No 863

I cannot consent to the retention of Galvin Dunlavin in a Magisterial Office. He is declared by two Officers of great Experience in the Province to be "utterly unfit for his post" — a matter on which the Board of Revenue are peculiarly able to judge — and the facts seem to me to leave no doubt of it. The Commission of

Sapien with my Friend & Colleague Mr. Spelman Barrington is not fit for Magisterial duties. I do not think I should be doing my public duty if I did not record that opinion. Barrington's conduct was abominably careless — if not worse — & I should deprive him of magisterial powers

official & public opinion is stated to be equally pronounced. I personally believe that it is and long has been so; for I have known the man for years myself and through the Lake Magistrate of the District, my brother - and can in affirm the estimate of his character which has been held by a succession of local officers in various departments. He is I have long held a low rapacious creature and I believe thoroughly corrupt. I have since I have been in Council had peremptorily forbidden a Monthly postal Correspondence

plain hints that a lower position where he can do no harm. I do not know any thing of the man personally - but the Judge's remarks alone would justify taking away the [illegible]

MM

(all on one side) which the creature perverted in forcing on me for, no doubt, local objects of his own. I entertain this as other influential persons may possibly have been similarly exercised.

I hold that we cannot fairly inflict on the public the further judicial services of this person - and least of all propose him to the District where his antecedents are unknown.

If desirable to retain him in the Service, he should be removed to a post of less trust and more under supervision and control - a Lieutenancy Magistrateship or the like - at this point the