

(1) Number of pages 19 Reels
(2) Date of repair 21.9.84 22.9.84
(3) Initials of the Referencer ggs

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	1804	Press.
B.P. No.		Mis.
Dated	8.11.1978	197

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Archives I-5,806-24-2-78.

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

8th November 1878, No. 1,804.

Read the following paper :—

No. 114. The humble petition of T. M. TEROOVENGADAM PILLAI, late a 2nd-Class Sub-Magistrate and Deputy Tahsildar of Pennagaram and Acting Shoristadar of Krishnagiri Taluk in Salem District, and now residing at Karur, to His Most Noble Grace the DUKE OF BUCKINGHAM AND CHANDOS, Governor in Council, Fort St. George, dated Karur, 22nd July 1878.

MAY IT PLEASE YOUR GRACE,

The petitioner most respectfully begs your Grace's kind permission to submit the accompanying memorial for transmission to Her Imperial Majesty's Secretary of State for India in Council, and to add the following observations in connection with it.

The petitioner entered the Government Service in 1853, and continued in it till September 1874. During this long period, petitioner held several responsible posts, in all of which he never failed to give entire satisfaction to his superiors.

In the year 1874, when petitioner was Deputy Tahsildar and 2nd-Class Sub-Magistrate of Pennagaram, he was often brought into official contact with one Mr. Jones, who was then the Tahsildar of Dharmapuri Taluk, of which Pennagaram formed a division. The habits of the latter official being thoroughly unfair, a serious misunderstanding arose between both, in consequence of which he prejudiced, against petitioner, Mr. Wilkinson, who was then newly appointed as Acting Sub-Collector and Joint-Magistrate of Oosoor Division, which comprises Dharmapuri Taluk, and caused him to take criminal proceedings against petitioner and procure his dismissal from Government Service. Such an infamous man Mr. Jones was, that he was at length found out and dismissed the service for some very grave offence which he had committed, as will be seen from G.O., No. 2,071 of 29th August 1877.

In the year abovementioned, a set of five false complaints were preferred against petitioner to Mr. Wilkinson at the instigation of petitioner's enemies; but they were all proved to be false, and petitioner was therefore acquitted of all of them. And yet the Sub-Collector, under the insinuation of petitioner's enemies, reported unfavorably against petitioner and unjustly caused his dismissal from Government Service.

The petitioner tried in vain to obtain justice from the Board of Revenue and also the Government of Madras, to which petitioner applied twice for redress. On the latter occasion (G.O., No. 349 of 7th March 1876) Your Grace was absent at the Delhi Assemblage, and petitioner failed to obtain justice which may be expected at Your Grace's presence.

The petitioner has therefore been reduced to the necessity of resorting to an appeal to Her Imperial Majesty's Secretary of State for India. Petitioner consequently most humbly prays that Your Grace may kindly devote a few moments' consideration to the circumstances of petitioner's case and render justice prayed for in it, or kindly transmit it to the Secretary of State for India with Your Grace's beneficent remarks.

For which act of justice, the petitioner shall, as in duty bound, ever pray.

ENCLOSURE NO. 1.

To the Right Hon'ble the Secretary of State for India in Council, England.

The humble Memorial of TEROOVENGADAM PILLAI,
Esq. 2nd-Class Sub-Magistrate and Deputy Tahsildar,
of Pennagaram and Acting Sheristadar of Krishnagiri
in the District of Salem, Madras Presidency.

MAY IT PLEASE YOUR LORDSHIP,

With feelings of deep reverence and humility, Your Lordship's Memorialist most respectfully begs your Lordship's kind permission to approach Your Lordship with this appeal and to solicit that your Lordship may be pleased

to accord favorable consideration to the circumstances of this case, and review and cancel the orders* which the Local Government have passed on them.

2. Before beginning to open the case to Your Lordship, Your Lordship's Memorialist begs to preface it with the observation that your Lordship's Memorialist has been made a victim to the gratuitous prejudice, persistent malice and cruel revenge of a strong official clique, formed to accomplish his ruin by all means in their power.

3. Your Lordship's Memorialist entered the service of the Government of Madras in 1858, and has been 21 years in service. During this long period Your Lordship's Memorialist has held several responsible posts, in all of which Your Lordship's Memorialist discharged the duties faithfully and to the best of his ability.

4. That in the discharge of his duties, Your Lordship's Memorialist has always given satisfaction to his superiors, is abundantly clear from the various testimonials they have given, copies of some of which are appended to this Memorial (Enclosures B to D).

5. In 1872, while he was serving as Sub-Magistrate and Deputy Tahsildar of Pennagaram, it was often necessary that your Lordship's Memorialist should come into official contact with one Mr. Jones, who was then the Tahsildar of Dharmapuri, a taluk in Salem District of which Pennagaram formed a division. The irregular and unfair habits of Mr. Jones were so repugnant to Your Lordship's Memorialist's feelings and revolting to any sense of propriety, that in course of time a serious misunderstanding arose between both, and as a matter of course he was always on the alert to circumvent and ruin your Lordship's Memorialist.

6. As this Mr. Jones was the primary cause of all the incessant persecutions to which Your Lordship's Memorialist has been ruthlessly subjected, the chief moving spirit in all the scandalous proceedings taken against Your Lordship's Memorialist, Your Lordship's Memorialist painfully feels bound to show your Lordship here what an infamous character he was. He was at length dismissed with shame and ignominy from public service by the Local Government, for having been guilty of some of the gravest offences that a base union of dishonesty and immoderate avarice could induce one to commit. (Vide G.O., No. 2,071, of 29th August 1877).

7. In 1873, a new Acting Sub-Collector and Joint-Magistrate, Mr. Wilkinson, was appointed to the division comprising the Dharmapuri Taluk, and he then being new to the district had to depend in a very large measure on the honesty of his subordinates for accurate information concerning the affairs of the district. Mr. Jones, being the Tahsildar of Dharmapuri in a permanent position, and his East Indian birth further precluding all suspicion as to the veracity of his statements, was freely had recourse to by the Sub-Collector for all needful information relating to his division of the district, and the former took the undue advantage of Sub-Collector's newness and inexperience to pursue his hatred of Your Lordship's Memorialist. He poisoned the Sub-Collector's ears with reports calculated to prejudice Your Lordship's Memorialist in his estimation, disparaged in his presence Your Lordship's Memorialist's character with stories which he assiduously invented and industriously propagated, and in short left nothing undone, which in his opinion would probably go in effecting Your Lordship's Memorialist's ruin.

8. The Acting Sub-Collector having no personal knowledge of his official subordinates, did not hesitate to give credit to all that was stated to him, and was thus easily duped into forming an unfavorable opinion of Your Lordship's Memorialist. Having, moreover, had about this time to provide persons from other districts hanging upon him with employments, he determined at any rate to procure Your Lordship's Memorialist's dismissal from the public service, and in view to that, appointed my arch-enemy, Mr. Jones himself, to procure and collect evidence criminating Your Lordship's Memorialist, and to prosecute all the cases which he was able to get up against the Memorialist; and with the view of clearing the field of any obstacle in their way, Your Lordship's Memorialist was transferred from Pennagaram to Krishnagiri as Acting Sheristadar. Immediately after the transfer, a deep and powerful conspiracy was set on foot by Mr. Jones and another man named Narrainsawmy Naidu, an Inspector of Police, who was also ill disposed towards the Memorialist, with the tacit consent and open assistance

of Mr. Wilkinson, who was hand-and-glove with the former, and the result was that a number of persons were induced by threats and other means to prefer a set of complaints against Your Lordship's Memorialist to the Acting Sub-Collector and Joint-Magistrate who was quite ready to entertain them.

9. The complaints were as follow:—

- (a) Extorting Rs. 50 from one Chennagherry Naik.
- (b) Extorting Rs. 200 from one Chika Goundan.
- (c) Forgery in respect of some entries in public documents regarding an auction sale of certain unclaimed property, which was subsequently altered by the Sessions Court to one of misappropriation of Government property.
- (d) Cheating by obtaining money from some persons at Pennagaram under false pretence of raffling a pony.
- (e) Of having made unauthorized collections from the people of Pennagaram for building a Chutterum (Asylum for beggars).

10. Taking alarm at the prejudiced notions of the Joint-Magistrate regarding Your Lordship's Memorialist as were indeed obvious from his ill-concealed movements to bring Your Lordship's Memorialist into trouble, Your Lordship's Memorialist represented to the Board of Revenue that a serious miscarriage of justice would result if the Joint-Magistrate, so full of prejudice, was allowed to proceed with the cases against Your Lordship's Memorialist. It was then ordered by the Board that the cases in which Your Lordship's Memorialist was concerned, should be decided by the Sessions Judge of the Salem District.

11. For the charges named above, Your Lordship's Memorialist was committed to the Sessions Court on the first three, which having fallen down in the ordeal of a minute legal investigation before an unbiassed Judge, Your Lordship's Memorialist was honorably acquitted. In acquitting Your Lordship's Memorialist of the third charge, the Judge suggested a departmental inquiry, which for reasons best known to the Sub-Collector, was after all not held. The fourth charge was investigated by the Joint-Magistrate, and (as must be expected) Your Lordship's Memorialist was sentenced to a fine of Rs. 300. This sentence was quashed by the Sessions Court on appeal, and the fine ordered to be remitted. The fifth charge was taken up as a Revenue case, of which Your Lordship's Memorialist will speak more anon.

12. In the mean while, the Joint-Magistrate and Sub-Collector finding that the Sessions Judge did not see his way to convict Your Lordship's Memorialist in any of the abovementioned charges, reported to the Revenue Board that though the evidence adduced was not considered sufficient to warrant conviction in a Criminal Court, still the cases were beyond doubt proved morally, that Your Lordship's Memorialist's conduct was in his opinion very unsatisfactory, and that in consequence Your Lordship's Memorialist should be removed from the public service. The Revenue Board endorsing the Sub-Collector's views, recommended to Government that Your Lordship's Memorialist should be discharged from the Government Service, and declared ineligible for future employment, and the Government have done accordingly.

13. Your Lordship's Memorialist now applied to the Board for a copy of the Proceedings recommending Your Lordship's Memorialist's dismissal, which however they declined to grant. Your Lordship's Memorialist then petitioned the Government on two different occasions for a reconsideration of the orders passed in the case, and on both occasions they declined the favor of interference, in the absence, as they evidently thought, of fresh and important matter.

14. Your Lordship's Memorialist most humbly begs leave to submit that gross injustice has been done to Your Lordship's Memorialist by the punishment that has been inflicted for what Your Lordship's Memorialist was supposed to be guilty of, when however Your Lordship's Memorialist has not been to the best of his knowledge guilty of any offence or unfaithfulness.

15. Here below, Your Lordship's Memorialist gives in juxtaposition the Proceedings of the Board of Revenue finally settling Your Lordship's Memorialist's case and the explanatory observations which Your Lordship's Memorialist has to submit for Your Lordship's merciful consideration.

Proceedings of the Board of Revenue finally settling TEROOVENGADAM PILLAI's case, as reported in the *Madras Athenaeum and Daily News*.

I. A man named Chikka Goundan buried Rs. 200 in his shed, his servant found it and concealed it, but on being taken to task gave it up. The Sub-Magistrate heard of the case casually and is said to have extorted the money. There were some irregularities in his procedure.

I. This was the second charge brought against Your Lordship's Memorialist, but it was taken up as the first by the Sub-Collector in order to impart to it some importance and to save his complaints from the charge of frivolousness which might be attached to it. The statements embodied in the report of the Board's Proceedings are thoroughly inconsistent with the facts elicited during the trial and therefore false. It was not casually that the

The case was committed to the Sessions Court, the Sub-Collector being in a manner the prosecutor would not decide the case himself. The Judge said he was afraid to accept the evidence; that such charges must be received with great caution and that a conviction would be most unsafe. The case was accordingly dismissed.

"I must notice that doubt is cast on the case, as well from the long delay in making complaint * * * * * There is another ground for suspicion in the method in which the case is laid before the Magistrate, which is in far too elaborate a style for it to be possible to suppose that the complainant himself, unaided or untaught, put it up * * * * * There is also some doubt thrown on the case by its family resemblance to another case against the same prisoner in this Sessions which I considered false, the evidence being divided into two heads as in that case; 1st direct evidence of the receipt of bribe; 2nd, corroborative evidence of having tried to tamper with witnesses.

These remarks are very suggestive, in so far that they show that the complainant was simply a convenient tool in the hands of more designing persons, who were pulling the wire from behind the scenes and also the existence of a conspiracy secretly paying the way for Your Lordship's Memorialist's ruin.

II. One Cheunagherry Naik encroached on Government waste and kept up the encroachment after he had been fined Rs. 5 and directed to remove it. The Sub-Magistrate found this out and is said to have extorted Rs. 50. The case was committed to the Sessions Court and the Sessions Judge pronounced it to be false and the result of a conspiracy.

The Sessions Judge remarks as follows:—

"I believe the case to be a very elaborated conspiracy, the whole of the witnesses for the prosecution being puppets worked by a clever performer behind the scenes. I say so, because I am convinced that the case is false, and that the witnesses are not clever enough to elaborate such a case for themselves * * * * * My first suspicion is aroused by the style of the evidence which is most evidently framed so as to avoid, as far as possible, any chance of cross-examination. * * * * * The case is *ab initio* improbable * * * * * The presentation of the complaint to the Magistrate is surrounded with suspicious circumstances."

The Judge has in these remarks clearly pointed out the existence of the conspiracy, the nature and extent of its tools, rendering any further explanation from Your Lordship's Memorialist unnecessary and uncalled for.

III. The Sub-Magistrate is said to have misappropriated nineteen iron bars and other things out of some unclaimed property which he sold by auction on behalf of Government. The case was committed to the Sessions Court. With regard to the iron bars, the Judge thought the Sub-Magistrate had acted irregularly, but not criminally, and dismissed the case with the remark that the prisoner's explanations did not seem to be at all satisfactory, and should be made the subject of a departmental inquiry and disposal.

With regard to this matter, the Board of Revenue are of opinion that it is clearly proved that the Sub-Magistrate did not sell the iron bars by auction as he ought to have done, and that he appropriated some of them to his own use.

Memorialist heard of the case as alleged, but officially; it came within Your Lordship's Memorialist's cognizance on a perusal of the Occurrence Report usually submitted by the Police. Your Lordship's Memorialist has not extorted money as stated in the report, nor has the Sessions Judge found any irregularity in Your Lordship's Memorialist's procedure, or otherwise expressed himself in the manner shadowed forth in the report. On the other hand he has made some very cogent and caustic remarks in his judgment regarding the manner of the prosecution, of which the following is an extract:—

II. This was the first case, but, for reasons stated above, converted into second. It is indeed impossible to condemn this charge in stronger terms than those of the judgment which throw considerable light on the nature of the proceedings of the prosecution.

III. Though acquittal was also the result in this case, the Sessions Judge remarked that Your Lordship's Memorialist's conduct was *not quite satisfactory* (the italics are the Memorialist's) and should be made the subject of a departmental inquiry. This only shows that the Sessions Judge has failed to perceive the fullest possible satisfaction according to his views of things in the explanation, which Your Lordship's Memorialist submitted; the observations in the report are, therefore, unfounded. As the Board of Revenue are of opinion that Your Lordship's Memorialist has misbehaved himself in this matter, he begs of Your Lordship's permission to state the case at some length.

Some unclaimed property was brought to the Sub-Magistrate's office, in which there were some iron bars; an inventory of the property was prepared by Your Lordship's Memorialist and sent up to the Joint-Magistrate, and on receipt of his order to sell them, they were regularly sold, and the proceeds were carried to the credit of Government; and the whole proceeding was reported to the

Joint Magistrate. The sale was completed in January 1873, and a space of nearly 14 months elapsed before it was thought necessary to take action on the supposed irregularity committed by Your Lordship's Memorialist, and the only piece of evidence in support of the conclusion that Your Lordship's Memorialist was guilty of misappropriation is that of a carpenter, who has deposed to the effect that an iron bar was given to him for making shoes for a pony (witness however was only a carpenter and not smith), and yet there was nothing to conclude that this bar, which he alleged was given to him, formed part of the unclaimed property above referred to. The Sessions Judge in connection with this case remarked that Your Lordship's Memorialist's explanation was unsatisfactory; but, considering the interval between the auction sale and the trial of the case, Your Lordship can easily observe that your Lordship's Memorialist could not have been able to afford a better explanation, especially when the questions were so minute as to ascertain from him as to who was the purchaser of the iron bars at the auction held in a fair, &c.

The Sessions Judge, though he acquitted Your Lordship's Memorialist of this charge, yet suggested a departmental inquiry into it; but, without making any such inquiry, Mr. Wilkinson, on giving credit to the evidence which was given before him during the preliminary inquiry and discredited by the Sessions Judge, condemned Your Lordship's Memorialist in his report to the Board unjustly as guilty. It is also a question for the benevolent consideration of Your Lordship, whether Your Lordship's Memorialist or any one in his position would have stooped to commit this offence, especially when the article said to have been appropriated was not worth 4 Annas at the most, and the consequences in the event of detection would be very serious to Your Lordship's Memorialist.

IV. The Sub-Magistrate is said to have made unauthorized collection amongst the inhabitants of Pennagaram and its neighborhood for the erection of a Chuttrum.

The Board of Revenue state that they have not seen the record of the case, but the facts stated by the Sub-Collector leave no room for doubt that the Sub-Magistrate is guilty of a serious transgression of Circular Order No. 402.

IV. As this case was, as a revenue case, inquired into by Mr. Wilkinson, and the result, which was of course unfavorable to Your Lordship's Memorialist, was reported to the Revenue Board who have laid great stress on it in recommending Your Lordship's Memorialist's dismissal. Your Lordship's Memorialist is constrained to submit a rather lengthy explanation in regard to his conduct in connection with it.

The Chuttrum which Your Lordship's Memorialist was accused in the charge to have built out of collections unauthorizedly made, was in reality built by the complainants in the case, viz., Ramasawmy Chetty and others, out of collections exclusively made by themselves, and that this was the truth of the matter, would be apparent from the following facts:—

The complainants themselves in Calendar Case No. 43 of 1873, on the file of the very officer, Mr. Wilkinson, in his capacity of Joint-Magistrate, accused the Police Inspector of Pennagaram and others of having obstructed them in the construction of the very Chuttrum, and deposed on solemn affirmation that this Chuttrum was being built by themselves out of subscriptions raised by them alone. On the strength of these depositions, materially corroborated by the evidence of some other witnesses adduced in support of the charge, the Joint-Magistrate considered that the case had been clearly established against the accused whom he consequently fined. This sentence was also confirmed by the Sessions Judge when it went to him in appeal. These very persons, viz., Ramasawmy Chetty and others, also turned out complainants in the charge against Your Lordship's Memorialist, before the very same officer, or, to speak the truth, were dragged before him, and their depositions, now given without either oath or solemn affirmation to the effect that the Chuttrum was built solely out of subscriptions raised by Your Lordship's Memorialist alone and that they themselves had no manner of connection with it except as subscribers laid under compulsory contribution, though diametri-

ally opposite to their depositions in Calendar Case No. 43 of 1873, were again believed by the Sub-Collector little regarding the fact that either the one or the other of these two sets of statements were utter falsehoods, and little respecting his own character for consistency, even after Your Lordship's Memorialist had pointed out to him the utterly conflicting nature of both sets of depositions. Thus in the one case he had credited a set of statements made by a set of persons and punished a set of persons as Joint-Magistrate, and, in the other case, believed a set of quite contrary statements made by the very same individuals, and caused Your Lordship's Memorialist to be punished as Acting Sub-Collector and not a doubt seems to have crossed the Sub-Collector's mind respecting the veracity of the latter statements made without the usual guarantees for truth, viz., oath or solemn affirmation.

It is admitted by the Revenue Board themselves that they did not go through the records of the case, and that they confined their attention to the Sub-Collector's reports which, they say, leave no room for doubt that Your Lordship's Memorialist is guilty of transgressing their Standing Circular Order No. 402. Your Lordship's Memorialist begs respectfully to submit to Your Lordship's wisdom to consider whether it is just, reasonable or becoming to place implicit reliance on the statements of the Sub-Collector, keeping in view the perverted views he had entertained and the warped judgment he had formed of Your Lordship's Memorialist, as also the hard treatment to which in consequence Your Lordship's Memorialist had been subjected by him. Even when Your Lordship's Memorialist strenuously represented to them, while the matter was under their consideration, that it would only promote the ends of justice if they would but defer passing final orders in the case till they had an opportunity of seeing the records in C. C. No. 43 of 1873, which the Sub-Collector flatly refused to place with the other records of the case and from which it would appear that Your Lordship's Memorialist had in no way any concern in the construction of the Chattram in question, or in raising funds for that purpose; they turned a deaf ear, and, without even the pretence of perusing any record whatever, have condemned Your Lordship's Memorialist as guilty of having transgressed their Standing Circular Order above referred to. It will thus be clearly seen by Your Lordship that the Board have been deliberately blindfolded by the Sub-Collector, to whose operation they willingly submitted, and, in consequence, all avenues of justice were blocked up to Your Lordship's Memorialist.

All that Your Lordship's Memorialist did in connection with this charitable purpose was, that he subscribed a sum of Rs. 15. He forced nobody to contribute any thing towards it, nor did he in any way bring to bear his official influence on any one towards this object. But at the same time Your Lordship's Memorialist cannot deny that he took interest at first in this charitable undertaking and recommended to the Local Fund Board the grant of a moiety of the estimated cost, but this having been refused by Mr. Price, the then Sub-Collector, for want of funds, Your Lordship's Memorialist simply suggested to the people the carrying out of the project by private contributions if they liked, and, being himself willing to contribute something towards the charity, he paid Rs. 15. And now, having most candidly related the circumstances connected with this affair, Your Lordship's Memorialist ventures to ask Your Lordship whether the part taken by Your Lordship's Memorialist in the matter could possibly be supposed to have been a transgression of the Board's Circular Order No. 402.

V. The Sub-Magistrate is said to have declared he would raffle a pony worth Rs. 25 and obtained money from subscribers to the raffle and then to have taken the pony to another place and sold it there.

The Sub-Collector tried the case in his capacity of Magistrate and convicted the Sub-Magistrate of cheating. On appeal, the Sessions Judge reversed the sentence on the ground that the Sub-Magistrate may have intended to raffle the pony when he collected the money for the raffle, though he did not, like an honest man, return the money when he found he could not get up the raffle. The last clause of the judgment is as follows:—

"The case shows clearly enough that the appellant is unscrupulous and dishonest, of which fact every official in the district is fully aware; but this has nothing to do with the merits of this particular case, and being of opinion that there is not in the case before me clear and unequivocal proof of a dishonest intention at the time of the receipt of the money, I shall reverse the finding and sentence of the Lower Court and direct that the fine be remitted."

V. In December 1872, Your Lordship's Memorialist intended to raffle his pony and issued tickets at the rate of 2 Rupees each. Finding that a sufficient number of tickets that would cover the value of the horse was not sold, he found it necessary to abandon the idea of raffling and consequently returned the money to those that had purchased the tickets. Although it was for nearly a year after this raffle affair that Your Lordship's Memorialist remained at Pennagaram, as he was transferred to Krishnagiri only in December 1873, not a question came in regarding the affair. And if the complainant had not been repaid the 2 Rupees that he had given for his ticket, would he not have chosen to remain idle? Would he not have repeatedly demanded money seeing that others who had similarly purchased tickets received their money? The complainant himself admits that he made no such demand and the pertinent significance of this admission was entirely lost sight of by the Judge that sat in judgment over me. Even in the absence of any demand from the complainant, would not strict honesty have induced Your Lordship's Memorialist to repay him?

An attempt was made to prove that Your Lordship's Memorialist omitted to repay the value of the tickets to all but two of the subscribers, by the evidence of two persons who simply stated that, at the time of repayment to them, Your Lordship's Memorialist observed that they were concerned in an appeal against a decision of Your Lordship's Memorialist. This was considered sufficient premises to warrant the conclusion that, otherwise, repayment would never have been made even to those two; and from this conclusion it was only a very short jump to the ultimate one, viz., that Your Lordship's Memorialist deceived all the purchasers of tickets except the two above referred to. Your Lordship's Memorialist begs leave to submit that had this been a fact that he did not repay to any except to the two above mentioned, nothing could have been easier than to produce a number of persons, who had purchased tickets, to depose to it instead of adopting the preposterous method of producing two persons who acknowledge the return of their money.

Your Lordship's Memorialist has been declared, by the Sessions Judge before whom this case went in on appeal, to be free from fraudulent or dishonest intention; while the fact that the failure to raffle the pony became inevitable from circumstances over which Your Lordship's Memorialist had no control, and that even if he had not returned the money to all or to any of the subscribers, that he had the intention of paying back is clear from the record. Now, granting for the sake of argument and without prejudice, that owing to forgetfulness or indifference the money due to the complainant was not paid, Your Lordship's Memorialist would most respectfully leave it for the consideration of Your Lordship whether it could be considered to be such a fault as to deserve the most severe punishment that Your Lordship's Memorialist has suffered.

With reference to the remarks made by the Sessions Judge touching Your Lordship's Memorialist's character, he submits that there is not a tittle of evidence in the record to warrant them. The Judge has clearly gone out of his way to make such remarks and, being purely extra-judicial, they are irrelevant and little entitled to any respect. Moreover, the Judge, who was at the time of Your Lordship's Memorialist's trial, quite new to the district, could not possibly have had that amount of personal experience of the district which alone would justify his remarks, which however he makes with the authority attached to personal observation. They must no doubt have been based on the report made to him by some hostile official high up in official ladder, who could have had some conversation with him, and Your Lordship's Memorialist would not be far from the truth if he affirmed that the Sub-Collector who was, when the case was pending in appeal, officiating as Collector of the district and lodged with the Sessions Judge, took care to inoculate him with his own prejudice and influence him against Your Lordship's Memorialist in pursuance of the conspiracy and at the instigation of Mr. Jones.

VI. In 1869, we further learn that Mr. Price found it necessary to reduce Teruvengadam Pillai from the post of Sub-Magistrate and Deputy Tahsildar of Razipur to that of a Revenue Inspector, the Sub-Collector had reversed a sentence of the Sub-Magistrate fining four people Rs. 20. It was then found that the fine had never been credited to Government and the Sub-Magistrate accused his Head Gamastah of misappropriating it. In his memorandum of the case, Mr. Price says, "my opinion most decidedly is that the Sub-Magistrate did receive the money and that he either misappropriated it or lost it, and that, in order to clear himself of the responsibility, he has attempted to get up a charge against the innocent man * * * * * This is not the first time that this officer has come to notice." The District Magistrate when writing his report to Government speaks very unfavorably of Teruvengadam Pillai; he has been actually engaged in squabbles not only with his own subordinates but also with the Police authorities and Mr. Pochin has personally given him the worst of characters.

VII. In Petition No. 1,863 of 1874, Teruvengadam Pillai asked the Board to wait for the record in the Chattram subscription case before coming to a conclusion; but the Board remark that they see no reason to do so; dishonesty is proved in the raffle case and in the case of

VI. It is true that Your Lordship's Memorialist was once reduced from the grade of Sub-Magistrate by Mr. Price, the late Sub-Collector, who gave credit to certain reports which were spread against your Lordship's Memorialist; but that gentleman when he found that the said reports were groundless, lost no time in correcting his wrong impressions and in restoring Your Lordship's Memorialist to a Sub-Magistrate's post.

The late Mr. Pochin is said to have formed an unfavorable opinion of Your Lordship's Memorialist; but from the several promotions given to Your Lordship's Memorialist by this gentleman, as will be seen from the orders enclosed, it would appear that his opinion was just the reverse. It was to Your Lordship's Memorialist's misfortune that the gentleman had been dead at the time when these charges were instituted; otherwise, he would have given an emphatic denial to the false accusation.

VII. With reference to these concluding paragraphs in which the Board sum up the case, this opinion is as prejudiced as that of the Sub-Collector who, as officiating Collector of the District at the time, guided it; and they assume facts to be proved in the very face of the decision

the iron bars and the Chattram subscription. Teruvengadam Pillai is undoubtedly guilty of the grossest irregularities.

The Board are strongly of opinion that Teruvengadam Pillai should be dismissed and declared ineligible for re-employment in the Government Service. Though only an Acting Sheristadar, he is a Magistrate, and Government have ruled that the power to dismiss Magistrates rests with them.

16. Having now explained all the facts connected with your Lordship's Memorialist's dismissal in their true colors, the extent, nature and cause of the powerful conspiracy set up against Your Lordship's Memorialist, and to what a series of pitiless persecutions Your Lordship's Memorialist has been subjected to by the participators in it, and how one and all charges set up were unfounded and so completely broken down, and having in vain tried for a reconsideration of the decisions, first with the Board of Revenue, and then twice with the Government of Madras, Your Lordship's Memorialist has in greatest anxiety ventured to apply to Your Lordship for redress.

17. Your Lordship's Memorialist humbly begs leave to submit that, allowing for the sake of argument, that he was once found guilty of some indiscretion and irregularity, the punishment awarded to him is to say the least of it too severe. After a long course of 21 years of faithful service under Government, only two years added to which would have qualified him for pension, Your Lordship's Memorialist was at once dismissed and moreover declared incapable of re-employment. This latter order throws disgrace not only on your Lordship's Memorialist but on the whole of his respectable family, and will be a standing stigma attached to every relative of his, and will also carry odium down to posterity. Your Lordship's Memorialist, therefore, most humbly craves that your Lordship may be pleased to review and cancel the orders of the Madras Government and cause him to be reinstated or sent to any other district either on a similar footing or any other appointment the Government may deem fit. In short, Your Lordship's Memorialist throws himself at the mercy of Your Lordship with the fullest confidence of receiving support from your Lordship's bounteous hands as he is really one of the so many that the benign British Government may consider worthy of their protection.

For this act of justice and benevolence, Your Lordship's Memorialist shall, as in duty bound, ever pray.

P.S.—In explanation of the long delay that has occurred in submitting this appeal to Your Lordship, Your Lordship's Memorialist begs to state that in consequence of the scandalous proceedings above described and the mental strain to which Your Lordship's Memorialist was subjected, he was thrown into a serious illness from which he has only just now recovered.

No. 115. ORDER THEREON, 8th November 1878, No. 1,804.

Miscellaneous.

The petitioner is informed that his memorial has been received and will be forwarded to the Secretary of State.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under-Secretary to Government.

To the Petition Department.

Exd. W. H. French.

1804
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1068
21/7/78
19/12
30/9/78
9th Dec
Petition
Recd. 4/11/78
26-Sep-78
J. S. S. S.

1804
6

HIS MOST NOBLE GRACE
THE DUKE OF BUCKINGHAM AND CHANDOS,
Governor in Council,
FORT SAINT GEORGE.

The humble petition of T. M. TEROOVENGADAM
PILLAI, late a 2nd Class Sub-Magistrate and Dy.
Tahsildar of Pennagaram and Acting Sheristadar of
Krishnagherry Taluq in Salem District, and now resi-
ding at Caroor.

MAY IT PLEASE YOUR GRACE,

The petitioner most respectfully begs Your Grace's kind permission to submit the accompanying memorial for transmission to Her Imperial Majesty's Secretary of State for India in Council, and to add the following observations in connection with it.

The petitioner entered the Government service in 1853 and continued in it till September 1874. During this long period, petitioner held several responsible posts in all of which he never failed to give entire satisfaction to his superiors.

In the year 1874, when petitioner was Dy. Tahsildar and 2nd Class Sub-Magistrate of Pennagaram, he was often brought into official contact with one Mr. Jones, who was then the Tahsildar of Darampury Taluq, of which Pennagaram formed a division. The habits of the latter official being thoroughly unfair, a serious misunderstanding arose between both, in consequence of which he prejudiced, against petitioner, Mr. Wilkinson who was then newly appointed as Acting Sub-Collector and Joint-Magistrate of Oosoor Division which comprises Darampury Taluq, and caused him to take criminal proceedings against petitioner and procure his dismissal from Government service. Such an infamous man Mr. Jones was that he was at length found out and dismissed the service for some very grave offence which he had committed, as will be seen from G. O. No. 2071 of 29th August 1877.

In the year abovementioned, a set of five false complaints were preferred against petitioner to Mr. Wilkinson at the instigation of petitioner's enemies; but they were all proved to be false, and petitioner was therefore acquitted of all of them: And yet the Sub-Collector, under the insinuation of petitioner's enemies, reported unfavorably against petitioner and unjustly caused his dismissal from Government service.

The petitioner tried in vain to obtain justice from the Board of Revenue and also the Government of Madras to which petitioner applied twice for redress. On the latter occasion (G. O. No. 349 of 7th March 1876) Your Grace was absent at the Delhi Assemblage and petitioner failed to obtain justice which may be expected at Your Grace's presence.

The petitioner has therefore been reduced to the necessity of resorting to an appeal to Her Imperial Majesty's Secretary of State for India. Petitioner consequently most humbly prays that Your Grace may kindly devote few moments' consideration to the circumstances of petitioner's case and render justice prayed for in it, or kindly transmit it to the Secretary of State for India with Your Grace's beneficent remarks.

For which act of justice, the petitioner shall, as in duty bound, ever pray.

CAROOR TALUQ, }
22^d July 1878.

T. M. Teroovengadam

To

THE RIGHT HONORABLE THE SECRETARY OF STATE
FOR INDIA IN COUNCIL,
ENGLAND.

*The humble Memorial of TEROOVENGADUM PILLAI,
Ex 2nd Class Sub Magistrate and Deputy Tahsil-
dar of Pennagaram and Acting Sheris-
tadar of Kristnagherry in the District
of Salem, Madras Presidency.*

MAY IT PLEASE YOUR LORDSHIP,

WITH feelings of deep reverence and humility, Your Lordship's Memorialist most respectfully begs Your Lordship's kind permission to approach Your Lordship with this appeal and to solicit that your Lordship may be pleased to accord favorable consideration to the circumstances of this case, and review and cancel the orders* which the Local Government have passed on them.

2. Before beginning to open the case to Your Lordship, Your Lordship's Memorialist begs to preface it with the observation that Your Lordship's Memorialist has been made a victim to the gratuitous prejudice, persistent malice and cruel revenge of a strong official clique, formed to accomplish his ruin by all means in their power.

3. Your Lordship's Memorialist entered the service of the Government of Madras in 1853, and has been 21 years in service. During this long period Your Lordship's Memorialist has held several responsible posts, in all of which Your Lordship's Memorialist discharged the duties faithfully and to the best of his ability.

4. That in the discharge of his duties, Your Lordship's Memorialist has always given satisfaction to his superiors, is abundantly clear from the various testimonials they have given, copies of some of which are appended to this Memorial (Enclosures B to D).

5. In 1872, while he was serving as Sub-Magistrate and Deputy Tahsildar of Pennagaram, it was often necessary that Your Lordship's Memorialist should come into official contact with one Mr. Jones, who was then the Tahsildar of Darampury, a Taluq in Salem District, of which Pennagaram formed a division. The irregular and unfair habits of Mr. Jones were so repugnant to Your Lordship's Memorialist's feelings and revolting to any sense of propriety, that in course of time, a serious misunderstanding arose between both, and as a matter of course he was always on the alert to circumvent and ruin Your Lordship's Memorialist.

6. As this Mr. Jones was the primary cause of all the incessant persecutions, to which Your Lordship's Memorialist has been ruthlessly subjected, the chief moving spirit in all the scandalous proceedings taken against Your Lordship's Memorialist, Your Lordship's Memorialist painfully feels bound to shew your Lordship here what an infamous character he was. He was at length dismissed with shame and ignominy from public service by the Local Government, for having been guilty of some of the gravest offences that a base union of dishonesty and immoderate avarice could induce one to commit. (Vide G. O. No. 2071 of 29th August 1877.)

7. In 1873, a new Acting Sub-Collector and Joint-Magistrate, Mr. Wilkinson, was appointed to the Division comprising the Dharampury Taluq and he then being new to the District had to depend in a very large measure on the honesty of his subordinates for accurate information concerning the affairs of the District. Mr. Jones, being the Tahsildar of Dharampury in a permanent position, and his East Indian birth further precluding all suspicion as to the veracity of his state-

M. Teroovengadum Pillai

ments, was freely had recourse to by the Sub-Collector for all needful information relating to his division of the District, and the former took the undue advantage of Sub-Collector's newness and inexperience to pursue his hatred of Your Lordship's Memorialist. He poisoned the Sub-Collector's ears with reports calculated to prejudice Your Lordship's Memorialist in his estimation, disarranged in his presence Your Lordship's Memorialist's character with stories which he assiduously invented and industriously propagated, and in short left nothing undone, which in his opinion would probably go in effecting Your Lordship's Memorialist's ruin.

8. The Acting Sub-Collector having no personal knowledge of his official subordinates, did not hesitate to give credit to all that was stated to him, and was thus easily duped into forming an unfavorable opinion of Your Lordship's Memorialist. Having moreover had about this time to provide persons from other Districts hanging upon him with employments, he determined at any rate to procure Your Lordship's Memorialist's dismissal from the public service, and in view to that, appointed my arch enemy, Mr. Jones himself, to procure and collect evidence criminating Your Lordship's Memorialist, and to prosecute all the cases which he was able to get up against the Memorialist; and with the view of clearing the field of any obstacle in their way, Your Lordship's Memorialist was transferred from Pennagaram to Kristnagberry as Acting Sheristadar. Immediately after the transfer, a deep and powerful conspiracy was set on foot by Mr. Jones and another man named Narainsawmy Naidoo, an Inspector of Police, who was also ill-disposed towards the Memorialist, with the tacit consent and open assistance of Mr. Wilkinson, who was hand and glove with the former, and the result was that a number of persons were induced by threats and other means to prefer a set of complaints against Your Lordship's Memorialist to the Acting Sub-Collector and Joint-Magistrate who was quite ready to entertain them.

9. The complaints were as follow :-

- (a) Extorting Rs. 50 from one Chennagberry Naik.
- (b) Extorting Rs. 200 from one Chika Goundan.
- (c) Forgery in respect of some entries in public documents regarding an auction sale of certain unclaimed property, which was subsequently altered by the Sessions Court to one of misappropriation of Government property.
- (d) Cheating by obtaining money from some persons at Pennagaram under false pretence of raffling a pony.
- (e) Of having made unauthorized collections from the people of Pennagaram for building a Chattram (Asylum for beggars).

10. Taking alarm at the prejudiced notions of the Joint-Magistrate regarding Your Lordship's Memorialist as were indeed obvious from his ill-concealed movements to bring Your Lordship's Memorialist into trouble, Your Lordship's Memorialist represented to the Board of Revenue that a serious miscarriage of justice would result if the Joint-Magistrate, so full of prejudice, was allowed to proceed with the cases against Your Lordship's Memorialist. It was then ordered by the Board, that the cases in which Your Lordship's Memorialist was concerned should be decided by the Session Judge of the Salem District.

11. For the charges named above, Your Lordship's Memorialist was committed to the Sessions Court, on the first three, which having fallen down in the ordeal of a minute legal investigation before an unbiassed Judge, Your Lordship's Memorialist was honorably acquitted. In acquitting Your Lordship's Memorialist of the third charge, the Judge suggested a departmental enquiry, which for reasons best known to the Sub-Collector, was after all not held. The fourth charge was investigated by the Joint-Magistrate, and (as must be expected) Your Lordship's Memorialist was sentenced to a fine of Rs. 300. This sentence was quashed by the Session Court on appeal, and the fine ordered to be remitted. The fifth charge was taken up as a Revenue case, of which Your Lordship's Memorialist will speak more anon.

12. In the meanwhile, the Joint-Magistrate and Sub-Collector finding that the Sessions Judge did not see his way to convict Your Lordship's Memorialist in any of the abovementioned charges, reported to the Revenue Board that though the evidence adduced was not considered sufficient to warrant conviction in Criminal Court, still the cases were beyond doubt proved morally, that Your Lordship's Memorialist's conduct was in his opinion very unsatisfactory, and that in consequence Your Lordship's Memorialist should be removed from the public service. The Revenue Board, in a

dorsing the Sub-Collector's views, recommended to Government that Your Lordship's Memorialist should be discharged from the Government service, and declared ineligible for future employment, and the Government have done accordingly.

13. Your Lordship's Memorialist now applied to the Board for a copy of the Proceedings recommending Your Lordship's Memorialist's dismissal, which however they declined to grant. Your Lordship's Memorialist then petitioned the Government on two different occasions for a re-consideration of the orders passed in the case, and on both occasions they declined the favor of interference, in the absence, as they evidently thought, of fresh and important matter.

14. Your Lordship's Memorialist most humbly begs leave to submit that gross injustice has been done to Your Lordship's Memorialist by the punishment that has been inflicted for what Your Lordship's Memorialist was supposed to be guilty of, when however Your Lordship's Memorialist has not been to the best of his knowledge guilty of any offence or unfaithfulness.

15. Here below, Your Lordship's Memorialist gives in juxtaposition the Proceedings of the Board of Revenue finally settling Your Lordship's Memorialist's case and the explanatory observations which Your Lordship's Memorialist has to submit for Your Lordship's merciful consideration.

Proceedings of the Board of Revenue finally settling TEBOOVENGADUM PILLAI's case, as reported in the *Madras Athenaeum and Daily News*.

I. A man named Chikka Goundan, buried Rs. 200 in his shed, his servant found it and concealed it, but on being taken to task gave it up. The Sub-Magistrate heard of the case casually and is said to have extorted the money. There were some irregularities in his procedure. ~~He committed to the Session Court~~ the Sub-Collector being in a manner the prosecutor would not decide the case himself. The Judge said he was afraid to accept the evidence, that such charges must be received with great caution and that a conviction would be most unsafe. The case was accordingly dismissed.

I. This was the second charge brought against Your Lordship's Memorialist but it was taken up as the first by the Sub-Collector in order to impart to it some importance and to save his complaints from the charge of frivolousness which might be attached to it. The statements embodied in the report of the Board's Proceedings are thoroughly inconsistent with the facts elicited during the trial and therefore false. It was not casually that the Memorialist heard of the case as alleged, but officially; it came within Your Lordship's Memorialist's cognizance on a perusal of the Occurrence Report usually submitted by the Police. Your Lordship's Memorialist has not extorted money as stated in the report, nor has the Session Judge found any irregularity in Your Lordship's Memorialist's procedure, or otherwise expressed himself in the manner shadowed forth in the report. On the other hand he has made some very cogent and caustic remarks in his judgment regarding the manner of the prosecution, of which the following is an extract :-

"I must notice that doubt is cast on the case ab initio from the long delay in making complaint * * * * There is another ground for suspicion in the method in which the case is laid before the Magistrate, which is in far too elaborate a style for it to be possible to suppose that the complainant himself, unaided or untaught, got it up * * * * There is also some doubt thrown on the case by its family resemblance to another case against the same prisoner in this Session which I considered false, the evidence being divided into two heads as in that case; 1st direct evidence of the receipt of bribe; 2nd, corroborative evidence of having tried to tamper with witnesses.

These remarks are very suggestive, in so far that they shew that the complainant was simply a convenient tool in the hands of more designing persons, who were pulling the wire from behind the scenes and also the existence of a conspiracy secretly paving the way for Your Lordship's Memorialist's ruin.

II. One Chennagberry Naik encroached on Government waste and kept up the encroachment after he had been fined Rs. 5 and directed to remove it. The Sub-Magistrate found this out and is said to have extorted Rs. 50. The case was committed to the Session Court and the Session Judge pronounced it to be false and the result of a conspiracy.

II. This was the first case, but, for reasons stated above, converted into second. It is indeed impossible to condemn this charge in stronger terms than those of the judgment which throw considerable light on the nature of the proceedings of the prosecution.

Chennagberry Naik

The Session Judge remarks as follows :—

"I believe the case to be a very elaborated conspiracy, the whole of the witnesses for the prosecution being puppets worked by a clever performer behind the scenes. I say so, because I am convinced that the case is false, and that the witnesses are not clever enough to elaborate such a case for themselves * * * * My first suspicion is aroused by the style of the evidence which is most evidently framed so as to avoid, as far as possible, any chance of cross-examination * * * The case is, *ad totum* improbable * * * * The presentation of the complaint to the Magistrate is surrounded with suspicious circumstances."

The Judge has in these remarks clearly pointed out the existence of the conspiracy, the nature and extent of its toils, rendering any further explanation from Your Lordship's Memorialist unnecessary and uncalled for.

III. The Sub-Magistrate is said to have misappropriated nineteen iron bars and other things out of some unclaimed property which he sold by auction on behalf of Government. The case was committed to the Session Court. With regard to the iron bars, the Judge thought the Sub-Magistrate had acted irregularly, but not criminally, and dismissed the case with the remark that the prisoner's explanations did not seem to be at all satisfactory, and should be made the subject of a departmental enquiry and disposal.

With regard to this matter, the Board of Revenue are of opinion that it is clearly proved that the Sub-Magistrate did not sell the iron bars by auction as he ought to have done, and that he appropriated some of them to his own use.

III. Though acquittal was also the result in this case, the Session Judge remarked that Your Lordship's Memorialist's conduct was *not quite satisfactory* (the italics are the Memorialist's) and should be made the subject of a departmental enquiry. This only shows that the Session Judge has failed to perceive the fullest possible satisfaction according to his views of things in the explanation, which Your Lordship's Memorialist submitted; the observations in the report are, therefore, unfounded. As the Board of Revenue are of opinion that Your Lordship's Memorialist has misbehaved himself in this matter, he begs of your Lordship's permission to state the case at some length.

Some unclaimed property was brought to the Sub-Magistrate's office in which there were some iron bars; an inventory of the property was prepared by Your Lordship's Memorialist and sent up to the Joint-Magistrate, and on receipt of his order to sell them, they were regularly sold, and the proceeds were carried to the credit of Government; and the whole proceeding was reported to the Joint Magistrate. The sale was completed in January 1873, and a space of nearly 14 months elapsed before it was thought necessary to take action on the supposed irregularity committed by Your Lordship's Memorialist and the only piece of evidence in support of the conclusion that Your Lordship's Memorialist was guilty of misappropriation is that of a carpenter, who has deposed to the effect that an iron bar was given to him for making shoes for a pony (witness however was only a carpenter and not smith, and yet there was nothing to conclude that this bar, which he alleged was given to him, formed part of the unclaimed property above referred to. The Session Judge in connection with this case, remarked that Your Lordship's Memorialist's explanation was unsatisfactory; but considering the interval between the auction sale and the trial of the case, Your Lordship can easily observe that Your Lordship's Memorialist could not have been able to afford a better explanation, especially when the questions were so minute as to ascertain from him as to who was the purchaser of the iron bars at the auction held in a fair, &c.

The Session Judge, though he acquitted Your Lordship's Memorialist of this charge, yet suggested a departmental enquiry into it; but, without making any such enquiry, Mr. Wilkinson, on giving credit to the evidence which was given before him during the preliminary enquiry and discredited by the Session Judge, condemned Your Lordship's Memorialist in his report to the Board unjustly as guilty. It is also a question for the benevolent consideration of Your Lordship, whether Your Lordship's Memorialist or any one in his position would have stooped to commit this offence, especially when the article said to have been appropriated was not worth 4 annas at the most, and the consequences in the event of detection would be very serious to Your Lordship's Memorialist.

IV. The Sub-Magistrate is said to have made unauthorized collection amongst the inhabitants of Pennagaram and its neighbourhood for the erection of a Chuttrum.

The Board of Revenue state that they have not seen the record of the case, but the facts stated by the Sub-Collector leave no room for doubt that the Sub-Magistrate is guilty of a serious transgression of Circular Order No. 402.

IV. As this case was, as a revenue case, enquired into by Mr. Wilkinson, and the result, which was of course unfavorable to Your Lordship's Memorialist, was reported to the Revenue Board who have laid great stress on it in recommending Your Lordship Memorialist's dismissal. Your Lordship's Memorialist is constrained to submit a rather lengthy explanation in regard to his conduct in connection with it.

The Chuttrum which Your Lordship's Memorialist was accused in the charge to have built out of collections unauthorizedly made, was in reality built by the complainants in the case, namely, Ramasawmy Chetty and others, out of collections exclusively made by themselves, and that this was the truth of the matter, would be apparent from the following facts.

The complainants themselves in Calendar Case No. 43 of 1873, on the file of the very officer, Mr. Wilkinson, in his capacity of Joint-Magistrate, accused the Police Inspector of Pennagaram and others of having obstructed them in the construction of the very Chuttrum, and deposed on solemn affirmation that this Chuttrum was being built by themselves out of subscriptions raised by them alone. On the strength of these depositions, materially corroborated by the evidence of some other witnesses adduced in support of the charge, the Joint-Magistrate considered that the case had been clearly established against the accused whom he consequently fined. This sentence was also confirmed by the Session Judge when it went to him in appeal. These very persons, namely Ramasawmy Chetty and others, also turned out complainants in the charge against Your Lordship's Memorialist, before the very same officer or to speak the truth, were dragged before him, and their depositions, now given without either oath or solemn affirmation to the effect that the Chuttrum was built solely out of subscriptions raised by Your Lordship's Memorialist alone and that they themselves had no manner of connection with it except as subscribers laid under compulsory contribution, though diametrically opposite to their depositions in Calendar case No. 43 of 1873, were again believed by the Sub-Collector little regarding the fact that either the one or the other of these two sets of statements were utter falsehoods, and little respecting his own character for consistency, even after Your Lordship's Memorialist had pointed out to him the utterly conflicting nature of both sets of depositions. Thus in the one case he had credited a set of statements made by a set of persons and punished a set of persons as Joint Magistrate, and, in the other case, believed a set of quite contrary statements made by the very same individuals, and caused Your Lordship's Memorialist to be punished as Acting Sub-Collector and not a doubt seems to have crossed the Sub-Collector's mind respecting the veracity of the latter statements made without the usual guarantees for truth, namely, oath or solemn affirmation.

It is admitted by the Revenue Board themselves that they did not go through the records of the case, and that they confined their attention to the Sub-Collector's reports which, they say, leave no room for doubt that Your Lordship's Memorialist is guilty of transgressing their Standing Circular Order No. 402. Your Lordship's Memorialist begs respectfully to submit to Your Lordship's wisdom to consider whether it is just, reasonable or becoming to place implicit reliance on the statements of the Sub-Collector, keeping in view the perverted views he had entertained and the warped judgment he had formed of Your Lordship's Memorialist, as also the hard treatment to which in consequence Your Lordship's Memorialist had been subjected by him. Even when Your Lordship's Memorialist strenu-

W. R. S. S. S.

ously represented to them, while the matter was under their consideration, that it would only promote the ends of justice if they would defer passing final orders in the case till they had an opportunity of seeing the records in C. C. No. 43 of 1873, which the Sub-Collector flatly refused to place with the other records of the case and from which it would appear that Your Lordship's Memorialist had in no way any concern in the construction of the Chattram in question, or in raising funds for that purpose; they turned a deaf ear, and, without even the pretence of perusing any record whatever, have condemned Your Lordship's Memorialist as guilty of having transgressed their Standing Circular Order above referred to. It will thus be clearly seen by Your Lordship that the Board have been deliberately blindfolded by the Sub-Collector, to whose operation they willingly submitted, and, in consequence, all avenues of justice were blocked up to Your Lordship's Memorialist.

All that Your Lordship's Memorialist did in connection with this charitable purpose was, that he subscribed a sum of Rs. 15. He forced no body to contribute any thing towards it, nor did he in any way bring to bear his official influence on any one towards this object. But at the same time Your Lordship's Memorialist cannot deny that he took interest at first in this charitable undertaking and recommended to the Local Fund Board the grant of a moiety of the estimated cost, but this having been refused by Mr. Price, the then Sub-Collector, for want of funds, Your Lordship's Memorialist simply suggested to the people the carrying out of the project by private contributions if they liked, and, being himself willing to contribute something towards the charity, he paid Rs 15. And now, having most candidly related the circumstances connected with this affair, Your Lordship's Memorialist ventures to ask Your Lordship whether the part taken by Your Lordship's Memorialist in the matter could possibly be supposed to have been a transgression of the Board's Circular Order No. 402.

V. The Sub-Magistrate is said to have declared he would raffle a pony worth Rs. 25 and obtained money from subscribers to the raffle and then to have taken the pony to another place and sold it there.

The Sub-Collector tried the case in his capacity of Magistrate and convicted the Sub-Magistrate of Cheating. On appeal, the Session Judge reversed the sentence on the ground that the Sub-Magistrate may have intended to raffle the pony when he collected the money for the raffle, though he did not, like an honest man, return the money when he found he could not get up the raffle. The last clause of the Judgment is as follows:—

"The case shows clearly enough that the appellant is unscrupulous and dishonest, of which fact every official in the District is fully aware; but this has nothing to do with the merits of the particular case, and being of opinion that there is not in this case before me clear and unequivocal proof of a dishonest intention at the time of the receipt of the money, I shall reverse the finding and sentence of the Lower Court and direct that the fine be remitted."

An attempt was made to prove that Your Lordship's Memorialist omitted to repay the value of the tickets to all but two of the subscribers, by the evidence of two persons who simply stated that, at the time of repayment to them, Your Lordship's Memorialist observed that they were concerned in an appeal against a decision of Your Lordship's Memorialist. This was considered sufficient premises to warrant the conclusion that, otherwise, repayment would never have been made even to those two; and from this conclusion it was only a very short jump to the ultimate one, namely that Your Lordship's Memorialist deceived all the purchasers of tickets except the two above referred to. Your Lordship's Memorialist begs leave to submit that had this been a fact that he did not repay to any except to the two abovementioned, nothing could have been easier than to produce a number of persons, who had purchased tickets, to depose to it instead of adopting the preposterous method of producing two persons who acknowledge the return of their money.

V. In December 1872, Your Lordship's Memorialist intended to raffle his pony and issued tickets at the rate of two Rupees each. Finding that a sufficient number of tickets that would cover the value of the horse were not sold, he found it necessary to abandon the idea of raffling and consequently returned the money to those that had purchased the tickets. Although it was for nearly a year after this raffle affair that Your Lordship's Memorialist remained at Pennagaram, as he was transferred to Kristnagerry only in December 1873, not a question came in regarding the affair. And if the complainant had not been repaid the two rupees that he had given for his ticket, would he have chosen to remain idle? Would he not have repeatedly demanded money seeing that others who had similarly purchased tickets received their money? The complainant himself admits that he made no such demand and the pertinent significance of this admission was entirely lost sight of by the Judge that sat in judgment over me. Even in the absence of any demand from the complainant, would not strict honesty have induced Your Lordship's Memorialist to repay him?

Your Lordship's Memorialist has been declared, by the Sessions Judge before whom this case went in an appeal, to be free from fraudulent or dishonest intention; while the fact that the failure to raffle the pony became inevitable from circumstances over which Your Lordship's Memorialist had no control, and that even if he had not returned the money to all or to any of the subscribers, that he had the intention of paying back is clear from the record. Now, granting for the sake of argument and without prejudice, that owing to forgetfulness or indifference the money due to the complainant was not paid, Your Lordship's Memorialist would most respectfully leave it for the consideration of Your Lordship whether it could be considered to be such a fault as to deserve the most severe punishment that Your Lordship's Memorialist has suffered.

With reference to the remarks made by the Sessions Judge touching Your Lordship's Memorialist's character, he submits that there is not a little of evidence in the record to warrant them. The Judge has clearly gone out of his way to make such remarks and, being purely extra-judicial, they are irrelevant and little entitled to any respect. Moreover, the Judge, who was at the time of Your Lordship's Memorialist's trial, quite new to the District, could not possibly have had that amount of personal experience of the District which alone would justify his remarks, which however he makes with the authority attached to personal observation. They must no doubt have been based on the report made to him by some hostile official high up in official ladder, who could have had some conversation with him, and Your Lordship's Memorialist would not be far from the truth if he affirmed that the Sub-Collector who was, when the case was pending in appeal, officiating as Collector of the District and lodged with the Session Judge took care to inoculate him with his own prejudice and influence him against Your Lordship's Memorialist in pursuance of the conspiracy and at the insinuation of Mr. Jones.

VI. In 1863, we further learn that, Mr. Price found it necessary to reduce Teroovengadam Pillai from the post of Sub-Magistrate and Deputy Tahsildar of Ruzipar to that of a Revenue Inspector, the Sub-Collector had reversed a sentence of the Sub-Magistrate fining 4 people Rs. 20. It was then found that the fine had never been credited to Government and the Sub-Magistrate accused his Head Goonastah of misappropriating it. In his memorandum of the case, Mr. Price says, "my opinion most decidedly is that the Sub-Magistrate did receive the money and that he either misappropriated it or lost it, and that in order to clear himself of the responsibility, he has attempted to get up a charge against the innocent man." This is not the first time that this officer has come to notice. The District Magistrate when writing his report to Government speaks very unfavorably of Teroovengadam Pillai; he has been actually engaged in squabbles not only with his own subordinates but also with the Police authorities and Mr. Pechin has personally given him the worst of characters.

VII. In petition No. 1863 of 1874, Teroovengadam Pillai asked the Board to wait for the record in the Chattram subscription case before coming to a conclusion; but the Board remark that they see no reason to do so; dishonesty is proved in the raffle case and in the case of the iron bars and the Chattram Subscription. Teroovengadam Pillai is undoubtedly guilty of the grossest irregularities.

The Board are strongly of opinion that Teroovengadam Pillai should be dismissed and de-

VI. It is true that Your Lordship's Memorialist was once reduced from the grade of Sub-Magistrate by Mr. Price, the late Sub-Collector who gave credit to certain reports which were spread against Your Lordship's Memorialist; but, that gentleman when he found that the said reports were groundless, lost no time in correcting his wrong impressions and in restoring Your Lordship's Memorialist to a Sub-Magistrate's post.

The late Mr Pechin is said to have formed an unfavorable opinion of Your Lordship's Memorialist; but from the several promotions given to Your Lordship's Memorialist by this gentleman, as will be seen from the orders enclosed, it would appear that his opinion was just the reverse. It was to Your Lordship's Memorialist's misfortune that the gentleman had been dead at the time when these charges were instituted; otherwise, he would have given an emphatic denial to the false accusation.

VII. With reference to these concluding paras in which the Board sum up the case, this opinion is as prejudiced as that of the Sub-Collector who, as Officiating Collector of the District at the time, guided it; and they assume facts to be proved in the very face of the decision of the Session Court which considered there was nothing to prove them and acquitted Your Lordship's Memorialist accordingly of all the charges. Acting on one-sided view of the case, as put forth by the prejudiced Sub-Collector, they have procured Your Lordship's Memoria-

Mr. Pechin

declared ineligible for re-employment in the Government Service. Though only an acting Sheristadar, he is a Magistrate, and Government have ruled that the power to dismiss Magistrates rests with them.

list's dismissal, and also a declaration that Your Lordship's Memorialist is ineligible for future employment in Government Service, not even going through the formality of seeing the records connected with Your Lordship's Memorialist's case. Mr. Jones was thus blessed with the complete fulfilment of his dear wishes, and Mr. Wilkinson was offered an opportunity to provide one, who had followed him from North Arcot, the place of his former appointment, with a permanent post, in view to which ends this formidable conspiracy was originally formed against Your Lordship's Memorialist.

16. Having now explained all the facts connected with Your Lordship's Memorialist's dismissal in their true colors, the extent, nature and cause of the powerful conspiracy set up against Your Lordship's Memorialist, and to what a series of pitiless persecutions Your Lordship's Memorialist has been subjected to by the participators in it and how one and all charges set up were unfounded and so completely broken down, and having in vain tried for a reconsideration of the decisions, first with the Board of Revenue, and then twice with the Government of Madras, Your Lordship's Memorialist has in greatest anxiety ventured to apply to Your Lordship for redress.

17. Your Lordship's Memorialist humbly begs leave to submit that, allowing for the sake of argument, that he was once found guilty of some indiscretion and irregularity, the punishment awarded to him is to say the least of it too severe. After a long course of 21 years of faithful service under Government, only two years added to which would have qualified him for pension, Your Lordship's Memorialist was at once dismissed and moreover declared incapable of re-employment. This latter order throws disgrace not only on Your Lordship's Memorialist but on the whole of his respectable family, and will be a standing stigma attached to every relative of his, and will also carry odium down to posterity. Your Lordship's Memorialist, therefore, most humbly craves that Your Lordship may be pleased to review and cancel the orders of the Madras Government and cause him to be reinstated or sent to any other District either on a similar footing or on any other appointment the Government may deem fit. In short, Your Lordship's Memorialist throws himself at the mercy of Your Lordship with the fullest confidence of receiving support from Your Lordship's bounteous hands as he is really one of the so many that the benign British Government may consider worthy of their protection.

For this act of justice & benevolence, Your Lordship's Memorialist shall, as in duty bound, ever pray.

CAROOR TALUQ,
COIMBATORE DISTRICT,
22nd July 1873.

Chinnayam

P. S.—In explanation of the long delay that has occurred in submitting this Appeal to Your Lordship, Your Lordship's Memorialist begs to state that in consequence of the scandalous proceedings above described on the mental strain to which Your Lordship's Memorialist was subjected, he was thrown into a serious illness from which he has only just now recovered.

1804
11

Dr. 9160728

349 476: p. 5
Est. 7. 2/7/75: 1225
Prof. 25.8.74: 1076
— 29.8.77: 2071

1804
10

Dr. 1568 0778

Dr. 1568 0778

Dr. 1568 0778

praying for reinstatement in his former post of 2nd class Sub Magistrate and Dy Tahsildar and requests that the same may be transmitted to its address.

Government of Madras.

Rel DEPARTMENT.

Petition No. 1568 of 1878.

From T. M. Zeroven-gadam Pillai

19/3/78 Occupation Late a 2nd class Sub Magt & Dy Tahsildar of Pennagaram and Village of Chemistaram of Talook Kristnagpur District Salem now at Caroor.

Dated 22nd }
Received 31st } July 1878.

Rule 111 signed / *Idde* Enclosures. 1
ABSTRACT. 7/9

Submits a Memorial to the Secretary of State for India, in praying

Justice may be meted out to him.

End.

P. 5.

Signed / *MB*

7-3-78

1804
43

3/9,
4/9

21691208728

hard case for the re-
consideration of Govt
and states that all the
charges preferred against
him were the result
of a conspiracy that
the session judge
who acquitted the
petitioner of the he-
inous charge of extortion
was prejudiced by
the Sub-Judge in
charge and was induced
to insert unfavorable
remarks regarding the
alleged charges of petty
misappropriating an
iron bar of the value
of 12 Annas and not
returning it to the
parties who submitted
that sum for a single
ticket.

Plays that
justice

Government of Madras.

DEPARTMENT.

Petition No. 349 of 1875.
From Saccasingam
Pillai F. M.
Occupation Late 2^d Class
Sub-Magistrate and
By Tahsildar of
Village Pennagaram
Talook
District Salem
Dated 8th Feb 1876
Received 7 ———
Enclosures.

ABSTRACT.

Referring to the
Endorsement on A 13-5
of 1875 submit his
hard

21691208728

Particulars to be enclosed.
1874

- A. In printed Testimonials
Letter to the Secy to the
Board of Revenue dated
14 August 1858.
- B. A^d. Board's No. 2 of 1858.
- C. D^r. Certificate of Mr. Parker,
Collector of Maduree
District.
- D. D^r. Letter from the District
Magistrate to Government
No 330.
- E. Proceedings of the Session
Court, Maduree District
26 March 1868.
- F. D^r 2 July 1868.
- G. Letter from Honorable
W. Robinson 14 Oct 58.
- H. D^r 5 Nov 1858.
(both in Printed Books).
- I. In printed Book Letter
from R D Parker Esq. 31st
January 1857.
- J. List submitted by the
District Magistrate to the
Board of Revenue.
- K. Memo. relate to Para
27.
Kumaramuni Appalar
12 April 1878
Maduree District Magistrate

No 1325 of 1875 of 27th May 1875.
Order 2nd June

1804
15

From Srirangadam Pillai late
2nd Class Sub. Magistrate of
Trunagaram & Ag. Sheristadar
of Kistnagerry Salem residing
at Caroor.

Representing that he has
been dismissed from his above
said post on charges, which
were purely concocted by a
conspiracy against him; &
throws himself upon the mercy
of the Govt. & prays that he
may be restored to his
former post or sent to any
other District in the same
Capacity or in any other, which
the Govt. think proper, in con-
sideration of his long service
and good Character as may
be.

order
The Government
see no reason to
reconsider the
Govt. Case of
Sub.

Noted in f.o.
25th Aug. 74 1876. J. M. J.

From Saint George
2nd July 1875

2199120878

349/98:103078419/10

Petition (Revenue) left

24 July 1875

1905

Peto (Rev) D. K.

25 June 1875 R. 26 June 1875

Petition

1804/17

No 1913 of 1878 D. 22nd July 1878
Recd 30 Sept

From T. M. Perumangadam
Pillay, late a second class Ma-
gistrate and Dy. Tahsildar of
Pennaguram, and Mr. Sheris-
dar of Krishnagerry Taluq,
Salem District now at Ca-
mpore

1913

Submits a Memorial to
the Secretary of State for India
praying for reinstatement in
his former post of 2nd class
Sub. Magistrate and Dy. Tah-
sildar; and requests that the
same may be transmitted
to his address.

Compd
B. J.

CA 4842/78

500/98: 100-18.

3490/96: 10-5

Endo. p. 2/7/75: 1025

Endo. p. 25/8/74: 1076

Endo. p. 29/6/77: 2041

1804
19

Government of Madras.

DEPARTMENT.

Petition No. 1973 of 1878.

From V. M. Srinivasan
- dan Pillay

Occupation Late a Member
of the Legislative Council
of the Government of India
Village - one of
Talook Pudukottah
District Madras

Dated 22nd July

Received 30th September 1878

Enclosures 9

ABSTRACT.

V. M. Srinivasan

of 1878.

No. 1801, 20th November 1878

Madras

The Petitioner is informed
that his name has been
recorded and will be forwarded
to the Secretary of State.

1804

8. 10. 78

The Petitioner's name is recorded

22940/78
1831-10-78

Will -