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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue — DEPARTMENT

G.O. No.	626 Revenue	Press
B.P. No.		Mis.
Dated	10 - 5 -	1884 196

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

Revenue Department,

Fort St. George,

22 Feb 1884.

My dear Member

I in reply to your
D.O of the 20th I am directed
to say that you are at liberty
to use your discretion as to delay
the enquiry in view of procuring
the attendance of the plaintiff
in the suit. You alone can
judge as to the necessity of his
presence.

appearance to the elucidation
of the matter.

If however the enquiry is
likely to be prolonged, you should
inform Govt in view of ^{temporary} arrange-
ments being made for Salem.

Yours sincerely
J. S. S. S.

Dr. C. W. W. M. M. M.

20.

Tanjore
20.2.84

My dear Stokes

The enquiry here so far has
given no trouble except that I
am not fully occupied because
I have not as yet been able
to get the Plaintiff in the
Civil suit - He was ill of
diabetes and is said to have
gone to Denkottai in the
Raimad Zemindari, a very
out of the way place -
It may be a very long time before
he is produced especially as

he may have reasons for not
appearing.
His evidence is of importance
with regard to several points
of the case and as it very much
concerns the defendants case
that his cross exam^t of the
witnesses should take place as
much at one time as possible
I have thought it right to
delay the cross exam^t until
the Plaintiffs appearance,
but this becomes very awkward
on account of the state of

work in Salem District. The
whole of the ^{of 5 Taluks} Jinnabany is
thrown back to a certain
extent and Moore does not
naturally like to dispose of
the more important questions
cropping up.
I wish to be instructed whether
I am to consider myself justified
in delaying this enquiry if a
difficulty arises about getting
this Plaintiffs statement and
if so for how long approximately?
His statement has been already

Recorded in the District Court
except with regard to the
point of the proposal to compromise
the suit about which he could
not have been examined then
because of privilege - Though,
Remington ^{thinks that other points may appear also} thinks his statement on
this subject important, and, the
Sheridan thinks his Cross Exam
important. I do not think it so
essential as to call for my delay
beyond a reasonable time.
Please reply soon.
Yours sincerely,
C. C. W. Martin

REVENUE DEPARTMENT.

No.

From

C. C. W. Martin

Dated

22 Feb.

1884.

FOR ORDERS.

St. Martin is the only person
who can form a sound opinion
on the question raised.

Submitted that he may be
informed that he may
use his discretion.

He should also inform St.
if it appears that the enquiry
is likely to be prolonged,
in view to arrangements being
made for relief.

M. L.

FOR ORDERS.

REVENUE DEPARTMENT.

No.

C. W. W. Martin & Co.

Dated 11 Feb.

188

FOR ORDERS.

It is presumed that Mr.
Martin is intended to
make only a departmental
enquiry to be concluded by
a report to Gov. and is
not supposed to proceed
under any Act or to
have power to compel
attendance of witnesses.
He will, it is thought,
find plenty of people ready

So. Mr. Martin is intended to
make only a departmental
enquiry to be concluded by
a report to Gov. and is
not supposed to proceed
under any Act or to
have power to compel
attendance of witnesses.
He will, it is thought,
find plenty of people ready

to give him evidence.
As to the Shristader, if
he refuses to submit to
the jurisdiction go to
answer Mr. Martin, it
will be about up with
him.

It is scarcely likely that
Mr. Martin will be able
to get much proof now
of any corrupt transaction.
The Shristader has pro-
bably taken his measures
before now.

W. L.

FOR ORDERS.

GOVERNMENT OF MADRAS.

Revenue Department,

Fort St. George,

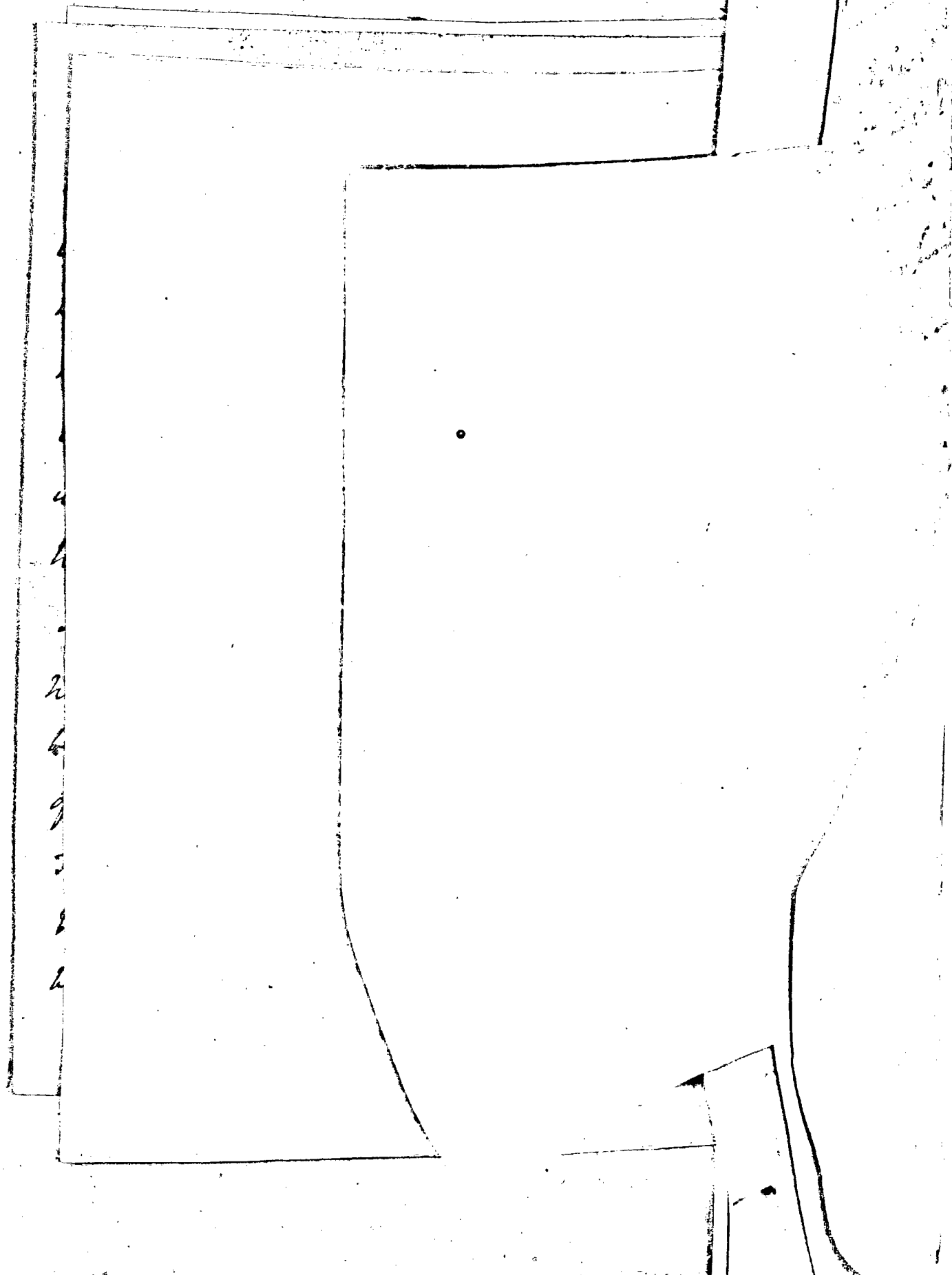
13 Feb 1897.

My dear Charles

Govt do not commit
you to such an inquiry under
any act but want merely
a departmental investigation
Your jurisdiction so far will
not be challenged and you
will probably find the power
of compelling attendance

6
furtherance with which
wanted. If the President
expresses to
original answer you it will
be at his peril. He should be
enabled to dispel the cloud
which now rests on his official
reputation; & if he refuses
as with almost sound understood
information has been given.
What vague & insufficient it
is not possible to give you the

17
instructions as to the way in
which you should go to work
This is left to your discretion.
The object is to ascertain how far
the suspicions raised by
the President's strange line
of defence in the Civil Court
& the terms of the Court's
as well founded as the answer
Yours sincerely
J. S. Phelps



Chickallam
9. 12. 83

Henry Bradley
and make a matter of
great importance to
this district. I hope
his Excellency the
Governor will enquire by
the very unusual
step I am taking in
asking him to look
well into the case of

My Sheriffadar
 K. P. S. Govt.
 P. S. K. S. Govt.
 that he was very
 much opposed to
 the common Indian
 practice of "letting
 off" matted offenders
 & I cannot help
 thinking that Govt.

will be my ill-advised
 if they do not order
 a full enquiry into
 the Tanjore case &
Calicut. But since I
 think of it, the man so
 incomprehensible it
 seems to me that the
 Board should refuse
 allow any enquiry

21
 into so notorious
 a case. I even
 doubt if they have
 moral
 any right to refuse
 just a stop lunch
 in enquiring whether
 a high official
 happens to be connected
 & I doubt if it will
 be possible for me

to carry on the work
 of this District
 with a confidential
 native assistant of
 whom I cannot
 possibly place any
 confidence at all
 until he clears his
 character to my
 satisfaction. It is

... quick-tempered to
 ... spirit-peacefully among
 ... his subordinates
 ... when the head of his
 ... own office is openly
 ... spoken of as corrupt
 ... this reputation
 ... literally stinks in
 ... the nostrils of all
 ... honest people

He gets no more a
 month's time than
 than any other man.
 but I would willingly
 pay that out of my
 own pocket to get
 rid of him - unless
 of course he can satisfy
 me of his innocence
 with many apologies

In troubling His
Excellency with what
is in no way a
personal matter.

Believe me
Yours sincerely
J. Leeming

W. Leeming

I do not see how we can refuse
an inquiry. The truth has certainly
not come out. The judge says so
& it is manifest. The Sheriff also
further refuse to answer the questions
of the collector whereas if he
were innocent he could prove
his innocence in full matters of
consequence.

The collector again makes very badly
of the man. So did the late collector
& he is at dagger drawn with

29

The Deputy-Collector.

It is really too great a
responsibility to refuse our inquiry

MS

Da 16/83

No.

31

From C. A. W. Martin Esq.

Dated 21 March 1884.

FOR ORDERS.

I take the view of the case which finds suppression in paras 65 & 66 of D. Martin's report.

The result of the further information elicited here is to confirm the impression I had previously formed viz that the Chetty in order to secure the Shinde's good opinion in the Nadyam case gave him a receipt and that as the Shinde did not refund the money when the case went ^{against} the Chetty (which is considered to be the correct thing to do in such circumstances) he resorted to recovery of the same by dragging the Shinde before the court by means of the fact that he did not recover a palatial loan. The Shinde had to fight and I think it has been clearly made out that he attempted

Mr. Martin's report on the Tanyoro Phinstudai's case is herewith submitted for order.

I have had the report & the more important papers in the record, Nos 6, 8, 9, 10 in the list given in Mr. Martin's letter printed; hence the delay in circulating the papers. The detailed list of the records is in this cover. The records themselves are in the box of which the key is enclosed. They are all numbered in correspondence with the list just referred to & any paper which Hon. Member may wish to refer to can be at once found.

When my personal knowledge

of facts is apparent to, I have
put a note in the margin.
Otherwise the report speaks for
itself.

H.C.

I also submit a D.D. from
Mr. Buckingham sending money
order alleged to contain
evidence of the attempt to
compromise. The statements
seem worthless.

H.C.

through others to compro-
mise the matter and
to get the Chetty to withdraw
the suit. The same friend
which made him hold on
to the douceur instead of
withdrawing it when the case
went against the Chetty
would seem I have stood
in the way of his delivering
himself from his present
position. The Chetty appears
I have offered terms which
are not accepted by the
Shenckstad who of course
was aware that the suit
would not hold water and
he resolved to take his
chance.

It seems also pretty
clear that the Shenckstad
perjured himself by
stating on oath that he had
had no previous acquaintance
with the Chetty and that
the story which he set
up in the District Court
was false.

I am of opinion that
he should be removed
from the public service

28/4

H.C.

After Mr. Hartman's
careful enquiry it is
difficult to form
any other conclu-

Honble Sullivan
remarks & propo-
sal
C.H.
25/4/87

FOR ORDERS.

REVENUE DEPARTMENT.

No.

From

Board of Revenue

Dated

16 Feb. 1884.

FOR ORDERS.

*Sd/- G.O. 18-2-84,
No 725 Mer*

*The Govt agree with
the Board's opinion
conveyed in para
2 of their No 120 but do
not at all understand
why the Chartered Bank,
should assuming
him to be innocent,
should have rejected
the collector's
questions before the appeal
time had expired. The*

Pharm. R. 7 m
 1/18/24

Object of the inquiry
 was merely to
 remove the
 suspicion of malafides
 on the part of the Shanks.
 - Tadar which the various
 - Stances connected with
 the Carl said had given
 rise to and should
 have been covered by
 that office

The papers relating to
 Enclosures will be
 forwarded to D. Martin

1/2 W/

To Board of Regents.
 Dec 18/24
 - C. W. Wallsten
 As Coll. Sec.
 and per. only
 Dec 18/24

FOR ORDER

FOR ORDERS.

ca
on
-tas
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1. P. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

The Hon'ble the Members
of the Board of Revenue
Madras.

The humble petition of J. Gopal.
- Krishna Pillai, Muzur Shrivastadar,
Collector's office, Tanjore, most respectfully
Sheweth:-

No. A. Memo.
Under instructions from
Govt. (Miscellaneous No. 539
dated 5th Inst.) the Muzur
Shrivastadar J. Gopal-
- Krishna Pillai is sus-
- pended from his date
pending Enquiry into
his Conduct.
Tanjore Collectors Office
Camp. Grantingha
8th Febry 84
1221 J.B. Pennington
Ag. Collector.

That on the 8th Inst. Petitioner
received from the Ag Collector of Tanjore
a Memo (copy of which is entered in the mat-
- ter), suspending him from his duties pending
Enquiry into his Conduct. This order coming on
as a thunderbolt, without anything against
your Petitioner, drives him to the necessity
of ascertaining, before any further action
is taken, the grounds for such a serious
Step.

To the knowledge of the petitioner,
no Complaint appears to have been lodged
against him and no man has come
forward charging him with any in-
- propriety of Conduct. In these ci-
- cumstances it seems to him that
the order in question is without
a precedent and opposed to the often
repeated intentions of Govt. in the mat-
of dealing with suspension and dismissal
of Public Servants. All that pete-
- titioner

knows is that some months ago,
a civil suit was instituted against
him, which was adjudicated
upon by the District Court and
dismissed as false, the Collector ^{x Indemnity}
being present in Court throughout ^{by Collector}
the Enquiry and knowing fully
the circumstances of the suit.

It will be seen from the En-
closed Copies of Correspondence that ^{x Encl: BE}
petitioner has never declined from
the very commencement to answer
the questions that the Collector
wished to ask him, but has only
repeatedly urged that the questions
may be reduced to writing to save
him from the consequences of an
appeal in the civil suit. This is
an indulgence which petitioner thinks
he is perfectly justified in asking
under the circumstances and for which
due weight ought to have been ac-
corded, but this has been refused
and he has not as yet been fur-
nished with copies of correspondence
asked for in his letter marked, E
and which the Collector said, he
has submitted to the Board
for orders. (Vide Encl: F)

From the Collector's note
of the 9th Inst. subsequent
to the date of suspension,

it will be clear to the Hon^{ble} Board
that the suspension and Enquiry
ordered by Government are due
to certain suspicions entertained
by the Collector. Now these sus-
picions arose, how they affect
Dist^r character, and how they war-
-anted ^{his} suspension without a word
of explanation taken beforehand,
are matters wholly unknown to
petitioner.

If a Government servant
of Petitioner's standing with 29
years of unspotted career in
the public service, should thus be
victimized to the mere suspicions
of a Collector who has joined the Dist^r
only the other day and who ever since
his arrival has been prejudiced against
him, what other alternative has
but to crave the consideration of
the Board for the submission to
Government of this petition, with
their strong support, for their recon-
-sideration and orders.

For which act of kindness
petitioner, as in duty bound, shall
ever pray,

Hopabhus Shah

Tripur
10th Feb/85 }

Copies of Correspondence

Vallam, 18. 11. 83

Sir,

Whatever the final result of this suit may be, (& of course I express no opinion whatever until I see the judgment-) there are some questions I must ask you about it before I can decide what course to adopt next. You will do as you please about answering them. You might come to me at 11 tomorrow, & then I think it would be as well if you were to take a few days casual leave until judgment is delivered.

18/11.

Initialed J. P.

Tanjore, 19th Nov. 1883

Sir,

In obedience to instructions contained in your note of the 18th Instant, I beg to inform you that I shall avail myself from this day casual leave for four days or for such further period as it may take for the delivery of the written judgment.

As regards the questions you wish

to propose I beg to state that I have
not the slightest objection to answer
them and request that you will
be pleased to put them in writing
so as to enable me to consult my
legal advisers if necessary, as they
will bear upon a suit the written
judgment ^{of which} is reserved.

I beg to say.
[Signed] J. Gopin Christen Vallam.

Sir. Vallam, 19. 11. 83.

Your objection to answer my
questions just now is quite reason-
able & I will defer my inquiry
till judgment is delivered. I don't
want written replies to my queries,
though I shall
be glad to con-
sider any statement you like to make
about the suit.

19. 11. [Initialed] J. P.

Sir. I have been directed by Govern-
ment to submit a further report
on your conduct in connection
with this suit together with your

explanation on certain points.

On further consideration I have
come to the conclusion that you would
not be justified in declining to answer
my questions on points affecting your
conduct in the matter because, were
if there should be an appeal (which
is I imagine, extremely improbable,
nothing elicited by me could affect
the result one way or the other I
propose therefore to take your ex-
planation on Friday at 11 A.M. and
then decide what steps to take
next.

2. 1. 84. [Initialed] J. P.

Sir. With reference to your note of
the 2nd instant which I reproduce
in the margin I beg respectfully to
state that I am prepared to submit
any explanation in connection with
the suit that the Government may
desire and to request you will be
pleased to favor me with copies of
G.O. the Board's Proceedings and your
letter to Board, so that I may sub-
mit my explanation in writing for

the information of Government. As the documents above alluded to refer to my case I think I am justly entitled to a perusal of them before venturing any explanation on isolated points.

2. As regards my answering "any" question put by you I regret to state that I am still advised not to answer them until the appeal to the High Court is disposed of. Your statement that an appeal is extremely impro-
bable and that nothing elicited by you could affect the result one way or the other, cannot I beg to submit, shield me from the consequences of an appeal, when an appeal is really preferred, and the information elicited during your enquiry is used against me.

I therefore most earnestly solicit you will be pleased to excuse me from answering any questions at this stage.

Yours truly,
Signed, J. Gopal Krishna Pillay.

Mysore,
3.1.84.

Sher.
I am sending copies of your reply to the Board for orders. I am not at present in a position to call upon

upon you for a written explanation on the whole case. I must first ask you a few questions to enable me to decide whether a regular enquiry is necessary. When (if ever) such an enquiry is made you will of course have ample opportunity of hearing all the evidence and can say whatever you have to say in reply. Mean-
time I think you are ill-advised not to answer my questions frankly & at once.

H. I. (Initialed). J. P.

G. Sher.
Now that the Government have ordered a full enquiry into the circumstances of this Suit & have gone so far as to suspend you pending enquiry I wish to know if you are prepared to answer my questions. If you still decline to give me any explanation of circumstances which seem to me suspicious I do not understand how you are to clear your character.

G. 2. (Initialed). J. P.
Enc. Copies
Gopal Krishna Pillay

Tanjore Collector's office
Camp. Tanjore 11th February 1884.

N^o. A

505

4

From J. B. Pennington Esquire,
S^r. Collector of Tanjore.

To
The Secretary to the Board of
Revenue,
Madras.

Sir,

As requested by T. Gopala
- Krishna Pillai I have the honor to
submit the enclosed petition to the
Board for their orders.

2. I have already pointed out
that the Sheristadar has never
refused to answer my questions
absolutely, but only until the
appeal time in the civil suit
is over.

I have the honor to be,
Sir,
Your most obedient servant

J. Pennington
S^r. Collector.

Exd. 7.15.

Confidential



Proceedings of the Board of Revenue,

Dated 16th February 1884.

No. 1418 Miscellaneous.

READ letter from the Collector of Bangalore, dated

11th February 1884, No. A.

Resolution:-

The Collector's letter with its enclosures will be submitted for the information of Government.

2. With the deputation of Mr. Mark to hold an enquiry, the matter practically passed out of Mr. Pennington's hands, and the Board are of opinion that Mr. Pennington should have abstained from pressing the Sheroor-dar in the note marked G dated

Inu

9th February to answer his questions.

3. Government in G.O. No 537 dated

5th February speak of the Pheristadar's insubordinate refusal to answer the collector. The Board beg to point out that the collector now states that the Pheristadar did not absolutely refuse to answer but only wished to wait until the appeal time had expired.

(True Extract)

For Mr MacKinnon

By Sub. Secretary

To
The Secretary to Government G.O.
with Petition & enclosure to be returned
Copy to the collector of Bangalore

Chad
10/2/54

Confidential
1884.

Board of Revenue,

MADRAS.

Conf No. 7

Serial No 1124

To

The Secretary to Govt

Revenue Department

For order.

R.

Mic. S. 1872/84
no 746



Proceedings, dated 16 February 1884.
No. 1413

Subject.

Submitting for the
information of Board
with remarks letter from
the collector of Tanjore
submitting petition
from S. Gopal Krishna
Pillai, Nagar Sheristakar
Tanjore.

Servic. of Gopal Krishna
Pillai.

Served from 10th November
1854 to 15th June 1855
in Telegraph Department
but did not attain the
age of 22 until 7th Dec.
1855 - Consequently this
period must be excluded
under S. 67.

Served in P.W.D. from 1st
January 1856 to 3rd Sept.
1857 when his post was
abolished. This service counts
under sec 100. (d.f.)

Served in Rev Dept. from
28th January 1859 to 5th
May 1864. i.e. 25 years
3 months & 7 days. But
from this must be deducted
3 months leave on private
affairs from 1st June 1865
to 4 days overstayed private
leave in 1873 & period
of suspension from civic S.
February (date of order) to
date = 3 months. Total 6
months 4 days. Balance of
service. 24 y. 9 m. 3 d.

24 - 9 - 3

26 - 6 - 5

Total service 26 years. 6 months 5 days. Not
entitled to any pension except: Invalid pension.

EL

No.

From *Board of Revenue.*

Dated 21 January 1889. 1044/110

FOR ORDERS.

MSD

From what came out in the
 Court the fact here gave
 reason to suspect that although
 the Shikhtadar did not borrow
 the money from the Chetty there
 have been pecuniary transac-
 tions between them & in brief
 that he accepted the money
 as an illegal gratification.

This view of the case appears
 to have been shared by the
 Court & is that taken by the
 Collector and is strengthened
 by the conduct of the Shikhtadar
 in declining to give the
 Collector an explanation
 upon oath. This is not
 the line an innocent man
 would take. He would be
 only too glad of the opportunity
 of dispelling the suspicion
 which he must be aware
 now attaches to him. He
 is not on his defence. No
 charge has been made
 against him but he acts

as if he had been ar-
raigned & under advice
declines to assist his
departmental superior,
acting under the orders
of Govt, in arriving at
the truth.

Pennington's position
would in any circumstances
be a difficult one - he is
morally convinced (as
am I) that the man is
a rogue but he also knows
that as long as the Shanik-
ladas remains in office
no evidence sufficient
to convict him of robbing
will not be forthcoming -
the people are too wide awake
to bear witness against a
man who a little later on
may lay his official hand
on them - He has moreover
to contend against the
well known fact that the
B. & F. is against him &
with the Shanikladas.

What advice is there. Tell
Pennington (confidentially of
course) that we propose
to order Nathan to hold an

inquiry but that before
replies we wish to be
satisfied by him (P.) that
there will be something to
go on and if he is satisfied
on this point - I would
authorize him at once
to suspend the Shanikladas
pending the result of the
inquiry - If the Shanikladas
is innocent he can be
restored to office without any
loss - if not his being
out of office will much
facilitate the collection
of revenue. H.V.

22/1/84

FOR ORDERS.

Confidential

REVENUE DEPARTMENT.

No.

From Mr. Pennington

Dated 27 January 1887.

FOR ORDERS.

This is Mr. Pennington's report on the Tanjore Sheristadar's case.

Reference is requested to the Board's Prof. 21 January 1887, considered at last Council.

Copy of the judgment of the Civil Court, which was wanted in the papers, has been obtained from the Board of Revenue & submitted.

Mr. P's report seems to leave the matter very much where it was.

J.P.

As the appeal time expires on the 13th Feb. it is perhaps best to take no step until then or say until the 20th - Then authorize the Collector to suspend the Sheristadar from office & have the Sheristadar up and examine him privately - and should he feel he requires a satisfactory explanation to suspend him from office & report 'fact' - We can then if necessary order a formal

W.P.

P.T.O

I think there is
no reason for fur-
ther delay. It is
seen that Mr. Pen-
nington has ad-
duced sufficient
reasons for his be-
lief of the Secre-
tary's instructions.
Hence and that
the time has now
come to act on
the situation
with which the
Secretary's d.o.
of 22nd Jan.
now closes. i.e.
suspend the Sa-
ristador and
discharge &
enquire if
1/2

I do not think there need
be any further delay. The
refusal of the Secretary
to answer his suspension ques-
tion would I think be proved
enough for the inquiry into
if it stood alone without
a very far from being
the case. Proceed as proposed
M.H.

Feb 2/84

by the Hon. Mr. Pennington

To
The District Collector
Tanjore.

61

The humble memo of Shrinivasayyar Cadalangondy
Shant Kombo Conura

In accordance with your honor's order to submit
a written statement of my conversation with Gobbar
the Revenue Inspector & Gopalakrishna Pellay, the Shrivis-
tadar, I beg to submit that the Revenue Inspector
Gobbar came to my house for meals & told me that one
Natto Kattay chetty has brought a civil suit for Rs 3000
against the Shrivistadar Gopalakrishna Pellay. I asked
him who has brought the suit & what is the matter of it. He said
that one Natto Kattay Vengadachellachetty has sued for
money lent to the Shrivistadar as a loan. That was the first
time I heard of it. I told him that I know Vengadachellachetty
& chetty, being my friend; that he is a good man & has advanced
me to the extent of 7 or 8 thousand Rupees in my service in
suit & this is the first time. He would not bring a Revenue suit
if the matter is in dispute he settled & paid, so can he make a
civil suit. I have of him spoke to him about Nedam
villages & he would not have regard to my words. I do not know
how the matter is now going on. I do not know how the
words are presented to Gopalakrishna Pellay by Gobbar. Some
days after an Syngar aged 30 came to me from the Shrivistadar & told
me that the Shrivistadar wanted to sue me & he further said that

It is a very serious matter
of a bribe — It is thought

2
it is to Consult with me about the suit. I & my son W. H. have
- Raman went by the evening train of 11th December 83 & reached
his house at 9 P.M. he showed me some papers of the suit & I told him
that the O'Leary suit will fail. He asked me whether the O'Leary would
withdraw his suit. I told him that I am of opinion that his
matthars in dispute he will be & paid, he being a good man & honest
man would not be litigating in vain. if it is to be settled so
the O'Leary should admit before the Court that he does not want his
costs & time he would fear being a suit between two respectable persons.
as his son & respectable persons are at the bottom of it, it could not be
so managed. He told me that he has said to citizens as a witness
I told that my evidence is such that J. O'Leary has misconst. his
words. I took hotel met & came away with my son.

L. A. wing of my son
of a tribe — It is thought

73

The humble note of H. Haliana Farmer sends Thine
Sincerely J. W. Cadalar by Street Combs Conum

My father ~~...~~ your father ~~...~~
 are St Shrutadara Gopal Krishna Pillay at's house
 by the mail train of the 11th December 83 reaching
 his house by 9 P.M. No sooner we went up stairs he
 showed us some papers of a suit between himself & one
 Natto Kottay Vengadachalam chiefly to be heard on the
 14th or 15th of the said month. For Gopal Krishna Pillay
 were convincing ~~...~~ on the merits & facts of the
 case; & after due consultation, he was highly ~~...~~
 my advice. In the course of our conversation he, Gopal Krishna
 Pillay at, asked my father, Can the Plff be made to admit
 & draw his suit amicably & my father said that if there be any
 truth in the matter & of that he settled & paid, the Plff being
 a Conscience & honest man, would not be litigating ~~...~~
 & in that case the Deft should admit in court that he
 forgoes his ~~...~~ as the suit being against a respectable man
 would fear the further consequences. The Shrutadara said that
 as ~~...~~ competent hands are at the bottom of it, it costs not be
 managed. He; the Shrutadara said that he has ordered to
 cite him as a witness & my father only said that his evidence
 would be of no use. After this change & my father came
 ~~...~~
 J. J. Thallana Ramiah

St. Juliana Ramier
Chadwick

2. a long exposure of narrow
of a tribe — It is thought

Tanjore Head Sheristada
suit against

Kumbakonam ¹⁵

25. 3. 84

Dear Stokes,

Martin tells

me that he has sent
in his report & wish
to remind you that the
real issue in the
case is whether the
Chetty's bill was
substantially bona
fide - or whether it was

Tanjore Head Sheristada
suit against

Proceedings B^d Rev.
of 4th December 1883.
N^o 10315.

I quite agree with the Sec-
-etary as to the inexpediency
of a prosecution of this kind
being instituted by Govt.
The reasons assigned for such
a course are clearly stated by
Mr. Justice & entirely correct in
my judgment.
If the Sheristada's hands are
clean he should at once on his
disposal of the suit have ^{himself} applied
to the Court for sanction to prosecute
the P^lff. & his witnesses for fabricating
false evidence. This would show
that he was anxious by every
means in his power to re-
habilitate his character & the
cloud over which has not in
my opinion been removed
by the decision in the Civil Suit.
The impression left on my mind
(and the supposition working
in the mind of the Court's judgment
shows that the Judge shared the
impression) is that, although the
allegation of money having been
lent was a fabrication, there
have been pecuniary transactions
between the P^lff & the Sheristada
of another nature. A long series

It will probably be within
the recollection of the members
of Government that a suit
against the H^d Sheristada
S. Gopal Krishna Pillai
was pending in the District
Court of Tanjore at this time
when the P^lff declined to
confirm the Board's
recommendation of this man
to be the head of their office.
That suit has now
been decided in favour
of the defendant and the
accompanying papers
will be found the Board's
orders on proposals made
by Mr. Perinington to
suspend the Pillai not
withstanding the verdict of
the Civil Court, and also
the Board's views as to the
propriety of instituting
a prosecution against
the Plaintiff on a charge
of having paid money as
of a bribe. — It is thought

Information of Government
of the fact that the P^lff
is a known & notorious
person in the district
and is a well known
person in the district
and is a well known
person in the district

That the Board's order on Mr Pennington's proposal is right and will be approved by the Government. But, with respect to para 10 of the Board's Proceedings it is submitted that an expression of disapproval of the views therein advanced is required.

The Civil suit, as will be observed, was for money lent. and upon the evidence before him his judge found the fact of payment not proved. But at the same time expressed his opinion that the circumstances of the case did not bear fully before him & that there had been a good deal of hard swearing. he however dismissed the suit with costs.

The Board now say (para 13) that the Plaintiff's evidence

of how these things are done enables me to grasp the situation at once. It is the custom of the country when a man has money & transacts other public affairs & even if possible a friend at head of quarters and there are mutual friends who not consider it morally wrong (they know it is against rules) to accept a donation on the understanding that they will do their best to further the interests of the donor. It is often taken with a view to the fact of a recipient to mislead his official influence, & to insure imperfectly they sometimes take the interest free from both parties in a case. But it is a point of honor - then the article that passes current amongst rogues - that the donor should be returned when the successful party - The official says "My friend said what I said for you, but the collector has decided against you - have in your money back" - But there are some magistrates & stewards who are not wise in their generation and who cannot let go the rope they have once closed their fingers on - These men are usually wrecked on the rock of their own pride and the gifts in the thousands are not reliable - certainly furnished by these instances at occasions

get a glimpse of the treasury of wealth which our subordinates hold the key - I have not the slightest doubt that the P.O. who about 1878-79 by purchasing the Nadim villages had an interest in being on good terms with the Revenue Office, followed the custom of the country and gave the palanquin of the Shonshadad to make matters smooth for him. He wanted the patta & the village land to be made out in his name but the Collector (Mr. Roberts) and the Board decided against him in 1879 - A new Collector coming in 1881 he managed to keep the question open until the 25 July 1882 when it was finally decided against by yet another Collector. Now assuming my hypothesis of the donors to be correct the Collector the collector should then & there have returned the money & there I have been no scandal but as he did it the Chetty resorted to the clumsy expedient of suing him for the repayment of a loan when in fact no money had been lent. But no other way can the action of the Chetty be accounted for. Had there been no pecuniary feelings between him & the land it is incredible that

there would be almost sufficient to convert him of payment of a bribe and they clearly desire that a change to this effect should be preferred. So long however as the just of the Tanjore Court holds good at such a prosecution could not be brought to a successful issue & it is in the last degree probable that the High Court would set aside this just on a question of fact. For these reasons it would seem to be injudicious to allow further proceedings to be taken. But there are other & more important considerations which would, it is thought lead to the same conclusion. It is most essential that collectors should be accessible at all times to the people committed to their care, ready to listen to and address their grievances, and careful to do nothing which might

make the people hesitate to approach them. Now in this case the Collector's right hand man is said to have taken money - The statement may be true or it may be false - it is impossible to feel certain in any way or his story - but of this there can be no doubt. Next if the man who brought the accusation as to the Collector for doing so nobody will have the hardihood hereafter to make a complaint against this powerful official no matter what enormities he may be guilty of - From this moment this prosecution is sanctified. All channels of information will be closed to this Collector & this will cause infinitely more harm to the well-being of this District than suffering from the person who may possibly have made a false charge against this most powerful native in his District to go unpunished - Perhaps the Board may be told that the Govt. entirely approve their instructions to the Commissioner but consider it unadvisable that criminal proceedings should be taken against the Riff and desire that the whole case be now allowed to drop. E.F.W. 7/12/02

that he should have gone deliberately out of his way to make an enemy of the principal native revenue official in the district by fabricating a claim against him - but the allegation of a conspiracy to meet him the judge points out that there is not an atom of evidence to support it - But he says "The one thing about which I do feel sure is the case is that the truth has not come out" - Write this on record and having regard to the wording of para 18 of the judgment & the remarks in which Mr. Justice said the Collector was holding the District & do not think he can be held to have cleared himself sufficiently of the imputation resting on him & remains his being continued in his very responsible position without further inquiry - The matter of W cannot be allowed to drop until the truth does come out. The present Collector is incapable of repaying any confidence in him. In these circumstances I should direct a searching inquiry, as suggested in para 4 of Mr. Pennington's letter. Being instituted the Collector should be suspended from office until the result is known. 8/12/02

Confidential

Secure my travelling for with me a long time in the office I wish to write.

Kallam

6. 12. 03

REVENUE DEPARTMENT

I think I ought to make one or two remarks on the 18th & 19th Progs No 10, 215 of 4th inst. & that I (Ought this there) my case may be more clearly understood.

2. The Board say (in para 5) that some of my observations are not supported by the judgment of the District Court, and that is perhaps true as regards the words of the written judgment; but no one who has heard the oral judgment delivered (in Bangalore) that there has been

make the people hesitate that he
is not out of the

At the close of the case & the
stress that was laid on the
facts as a loan could doubt
that the suit was dismissed
simply because the plaintiff had
not proved that the money was
paid as a loan. Though the
Judge evidently thought it
might have been paid otherwise.
As observed of the Court the Plaintiff
was bound to prove the strength
of his own case, & it was simply
because the Court did not
believe the money had been

charged upon
ful nature in his O.T. to go
unpunished — Perhaps the direct
Board may be told that the
Gov. entirely approve their
instructions to the Pennington
but consider it unadvisable
that Criminal Proceedings should
be taken against the Plff and
desire that the whole case be
now allowed to drop E.F.W.
7/15/18

suspicious are entertained by the
with respect to his stewardship

paid as a loan that he lost it,
not, (as the Board seem to suppose,
because ^{he} believed the defence
entirely, for it altogether overlooked
the main line of defence that
the debt did not know the Plaintiff
at all. On that, the very weakest
part of the defence, the Board
made no remark at all though
I called particular attention
to the abandoning of the plea. I
am quite sure the Judge meant
simply, (though he was not called
upon to say so,) that there had been

make the people hesitate that he
is not out of the

suspicious are entertained by the
with respect to his Iherintadar

(2)

87

Some pecuniary transactions
between Alf Duff, and
that is what everyone who heard
him understood him to mean.

This is the point which I think
requires investigation; I tho'

I do not of course assert that

the general opinion as to the

substantial truth of the case

is any evidence against the Sir,

I do say that it is a reason

for a free enquiry into his

conduct, and that it would

be a grave scandal to

allow a man whose character

is now so notorious to continue
to hold office in this district

without even giving me any
explanation of the circumstances

which have led to the present time

the Board do not say whether

I am entitled to ask the Sir for

any explanation, or whether his

explanation is to be postponed

till the appeal time expires.

I beg that orders may be passed

on this point -

Incredible as the circumstances
of the trial may appear

Mr. Justice approved the
instructions to the Remington
but considered it undesirable
that criminal proceedings should
be taken against the Sir and
desired that the whole case be
now allowed to drop E.F.W.
7/12/10

make the people hesitate that he
has not yet

suspicious are entertained by the
with respect to his I should say

looked at as a trial for the
recovery of a loan. Many
here met anyone who had
any doubt about the money
having been paid, whereas
the truth of the alibi is very
freely questioned, & I think,
you mean proved.

In fact is the Chetty was
ill-advised, and brought
his trial contrary to the
advice of his best friends
having filed it he was
obliged to go on! In the

But entirely agree
instructions to the Attorney
but consider it unadvisable
that criminal proceedings should
be taken against the Riff and
desire that the whole case be
now allowed to drop E.F.W.

made one attempt to compromise
it which I can prove, but the
negotiations fell thro' there was
nothing for it but to take sides
therefore the matter! -

In passing the Board observe that
the Sker's reply to Messrs B. & H.
is not of much importance &
may have been written under
'advice'. As a matter of fact it
does not appear to have been written
under advice as the draft
reply was written with his
own hand the very day (I think)

make the people hesitate that he
Now out of the

on which he received
the letter, but all I wish to say
about it is that it did not
appear to the Court, (or to anyone
who heard the trial,) like the
reply of a man who had been
for the first time made of such
an extraordinary claim; &
as shown already, the
Court expressed its entire
doubt in this part of the
defence

In considering the case of
the other from the departmental

But strictly appor
instructions to the Pennington
but consider it undesirable to see
that Criminal Proceedings sh
be taken against the Off and
desire that the whole case be
now allowed to drop E.F.W.
7/15/10

suspicious are entertained by the
with respect to his Shepherdson

(3)

91

point of view the Board have
not noticed the charge of
Conspiracy, amongst others
against the Rev John Samuel
Hayden & others, a charge which
backed up by evidence which
can be proved to the police, &
the falsity of which the Rev John is,
I consider, bound to prove. How
is it possible for these two men
to continue to work in the
same district without a full
inquiry being made which of the
two is a Kruener?

make the people hesitate that he
is not right

With reference to the remark
in para 10 I may add
that I do not consider it
at all probable that we
be an appeal - in fact it
is most improbable: but
Chetty will be only too glad
to get out of this difficulty
without further loss.

Lastly I do not at all mean
to say that I can prove
the payment of the money.
I only hope that all the
evidence should be taken:

But even
instructions to the
but consider it unadvisable
that criminal proceedings should
be taken against the Rff and
desire that the whole case be
now allowed to drop E.F.W.

suspicious are entertained by all
with respect to his Sheridan order

The Board are not quite correct
in saying that the Plaintiff produced
'all his evidence'. There is a
great deal more to be had & the
witnesses for the defence were not
cross examined as they might
have been with a little more
local knowledge. Moreover one
of the Chetty's best witnesses,
the Joddy (contractor, Javarimuttu
Madan), who is familiar with
all the ins & outs of the case &
was cited as a witness & produced
positive evidence in the civil trial

make his people hesitate that he
has not

and was therefore not
examined at all; but it
does not follow that he
could refuse to give
information in a purely
departmental enquiry.

He is not a witness
in a criminal case.

9. Unless some enquiry is
made it will be supposed here
that it has been looked on
account of the position of the
officer, & for that reason
above I venture to urge it
being as strongly as I can -
for the sake of the Pennington

But entirely agree
instructions to the Pennington
but consider it inadvisable
that Criminal Proceedings should
be taken against the Offr and
desire that the whole case be
now allowed to drop E.F.W.
2/12/18

have suspicious an outburst by the
Pennington with respect to his Sheristadon

The conduct of his Sheristadon becomes
the subject of a suit Mr Parker holds that
the loan for which he suit was brought was
not made to the Sheristadon but Thinks
the whole broke down, but came out

Mr Stokes formerly Collector of
Tanjore has the latest opinion of the
Sheristadon Mr Whitridge Mr Thomas think nothing of him

The whole matter comes before
Govt - complicated with the fact that
the Sheristadon refused to answer
the questions of his official superior the
Pennington -

An enquiry is ordered & the Officer
will make it to Mr Martin find

1. That the conspiracy with the Sheristadon
and the Deputy Collector & others of having
up against him & to which he attributed
which did not exist

not brought to light any facts
as to the original transaction
if such there were, between
the Sheistadar and Pule
Tachalam Chetty the plaintiff
in the suit; but has been
chiefly directed to ascertain
the truth or otherwise of the
defence & the statements on
oath put forward by the
Sheistadar; and of the charges
of conspiracy made by him.
On these points, Mr. Martins
report is very clear & full.
His conclusions are that
the charges of conspiracy
brought by the Sheistadar
against certain officials of

the district and others are
entirely untrue; that the
Sheistadar swore falsely in
denying previous acquaintance
with the Chetty, and that there
are strong grounds for believing
that the alibi set up by ^{him} ~~him~~
in the District Court
~~Sheistadar~~ was untrue; that
negotiations between parties
authorized on both sides for a
compromise of the suit, which
are denied by the Sheistadar,
undoubtedly took place; and
that the circumstances of the
Nadigam case supply a possible
motive for pecuniary transac-
tions between the plaintiff &
the Sheistadar. There is also

appear to the Rt Hon. the Co.
in C. to be fully established
by the evidence & arguments
put on record in the Enquiry.

3. Had there been proof of
any corrupt transaction between
the Sheristadar & the Chetty, the
dismissal of the former from
the service of Government would
have been the least punishment
which could have been ~~imposed~~^{imposed}.

On this point the full facts have
horribly not been disclosed;

and the result of the enquiry is
that though grounds for sus-
picion of the Sheristadar's inte-
grity exist, they are not suffi-
cient to warrant the dismissal

of a servant of so long
standing. The attempts at
compromise of the suit, which
are proved, are, taken by them-
selves, consistent with the Sher-
istadar's innocence in this
respect, and could only have
force to prove corruption as
corroborative evidence.

4. It remains that the
Sheristadar has been guilty
of falsehood which cannot
be allowed to pass without
notice and which, taken with
his insubordination in refu-
sing to give explanations
to the Collector when called
on, demand punishment.
Had he completed service
for half pension, he would

now be compulsorily
 retired. As it is, he must
 be removed from his present
 confidential post, and he
 cannot be allowed to con-
 tinue to serve in the district
 of Tanjore. The Board
 will take steps to find for
 him ^{as soon as possible} a place as a first
 class Tahsildar in another
 district; and in the mean-
 time he will be considered
 as under suspension from
 the service and his post as
 Tahsildar may be filled
 up.

5. The Government in passing
 these orders take note of
 the fact that though the

transfer to a first class
 Tahsildar involves no reduction
 of Govt. pay or prejudicial
 his pensionary prospects, T.
 Gopalakrishna Pillai will
 lose the allowance of Rs 100
 per mensem which he drew
 under the Receiver of the Estate
 of the Late Raja of Tanjore.

20th Board of Revenue, 26.5.84.
 C. W. W. Martin Esq.
 Secy to Govt of Tanjore with Secy to Govt } 24.5.84
 Accountant-General.
 14/11

M.S.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again G.O., dated 5th February 1884, No. 539, Miscellaneous.

ABSTRACT.—Regarding the Sheristadar of Tanjore.

READ—also the following letter from C. W. W. MARTIN, Esq., Acting Collector of Salem, on Special Duty, to the Secretary to Government, Revenue Department, Madras, dated Salem, 21st March 1884:—

I have the honor to forward a report showing the result of my inquiry into the conduct of the Tanjore huzur sheristadar.

2. I regret that there should have been so much more delay than I expected. It was unavoidable, however, because the remarks that I called for from the Collector of Tanjore, on the written explanation received from the sheristadar, did not reach me until Saturday the 15th instant, and it has taken a long time to write out my own opinion on the case, and have it copied.

3. The record now consists of—

- (1) the confidential papers communicated to me;
- (2) a statement in the form of question and answer, first taken from the sheristadar;
- (3) the records of the suit in the District Court;
- (4) the evidence taken in full;
- (5) the documents called for on both sides;
- (6) my précis of evidence;
- (7) my notes of arguments;
- (8) written statement of the opposite party against the sheristadar;
- (9) written statement of the sheristadar accompanied by correspondence, a pamphlet showing the names of subscribers to the Thomas's hall and hospital, Tanjore, and a pamphlet containing printed characters;
- (10) remarks of the opposite party on 9;
- (11) my summary of the case concluding with my opinion.

4. I send the papers by the confidential clerk Srinivasier, who was placed at my disposal for the inquiry. He should return to Tanjore after placing them in your possession.

THE COMMISSIONER'S SUMMARY OF THE CASE.

Introductory Remarks to para. 8.

Every part of the case has been very ably argued on both sides, and the case against the sheristadar has been reduced into writing at great length, as has also the case on his behalf. The statement on his behalf has again been commented on by the opposite party.

*2. By the opposite party, I mean the Deputy Collector Narayanasami Nayudu, between whom and the sheristadar the matter has become personal. The Collector Mr. Pennington, with the facts before him, has taken a view opposed to the sheristadar.

3. It is not necessary for me to give more than a very brief résumé of the facts which led to the inquiry. A Nattukottai Chetti, Venkatachalam, sued Gopalakrishna Pillai, the Tanjore Collector's sheristadar, for Rs. 3,000, which he said he had lent him. Gopalakrishna Pillai denied the debt, denied that he had received any money from the Chetti, denied that he had previously known the Chetti, and asserted, or rather suggested, that the suit was trumped up against him by his enemies, among whom he designated Narayanasami Nayudu and a native gentleman, Virayya Vaudayar, known as Pundi Vaudayar.

4. The Judge of South Tanjore, who tried the case, found that there had not been a loan, but expressed himself as satisfied that the whole truth had not come out, wording his judgment in such a way as to suggest an opinion that, though there may not have been a loan, there may have been a pecuniary transaction of some sort or other.

5. The Collector of Tanjore, who had been present at the inquiry, made some subsequent inquiries, and his reports decided Government to depute me to see how the evidence in the possession of the Collector and the explanations that the sheristadar might submit would affect the suspicions that the remarks of the Judge and the subsequent reports of the Collector had engendered.

6. I began the inquiry by sending for the sheristadar and putting to him certain questions which he had previously been unwilling to answer the Collector. He answered them without demur; and a week after the close of the inquiry he furnished me with a statement of certain property belonging to him or to his family, which had been the subject of some of the Collector's questions. I have sent this property statement to the Collector, informing him that, unless he was able to connect it with the particular inquiry that I was making regarding the character of the individual transaction in question, I considered it beyond the scope of my inquiry, and would not deal with it. The Collector has informed me that it would be impossible for him now to say whether he could connect this statement with the inquiry; and I have not, therefore, taken it into consideration as it appears to have reference more to a general inquiry regarding the circumstances of the sheristadar than to the particular case before me.

7. My inquiry lasted for sixteen days. Though the sheristadar in his statement makes some complaint about the mode of conducting the inquiry on the Collector's part, it was impossible that it should have been conducted otherwise. The inquiry was of the nature of a police inquiry and not of a regular suit. One witness suggested another and had to be sent for, and the cross-examination was not begun until it was certain that the close of the inquiry was nearly reached.

8. The above introductory remarks are perhaps hardly necessary; but as they may possibly throw some light on one or two points in the arguments on the case, I have made them.

Statement of the Case.

9. The case put forward by the opposite party is briefly: there was a petition pending in the Collector's office regarding the share of the cultivators (or the kudiavaram) in the village of Nadiyam, of Patukóta taluk, in Tanjore District, in the charge ordinarily of the Assistant Collector of Tanjore, but sometimes of a Deputy Collector temporarily appointed from want of an Assistant Collector. This petition has been presented by Venkatachalam Chetti, 16th witness, through his vakil Saminatha Aiyer, Public Prosecutor of the North Tanjore District Court, on the 30th June 1881. On the way to present the petition, these two men called and spent the day in Tanjore at the Muppanar's bungalow occupied by Deputy Collector Narayanasami Nayudu. There they had the fair copy of the petition prepared, and in the course of the day the sheristadar Gopalakrishna Pillai

came to the house in the evening as did also the Pundi Vaudayar, but no conversation passed between the sheristadar and Venkatachalam Chetti. Next day they went on to Vallam, presented the petition, and the vakil had an interview with the sheristadar, the result of which was satisfactory to the Chetti who said that the sheristadar was favorably disposed towards him.

That remark made to Saminatha Aiyer is to show that at that time the Chetti asserted previous acquaintance with the sheristadar.

10. The date of presenting the petition was 30th June 1881, nearly a year after the date on which the alleged loan was made by the Chetti to the sheristadar. That petition remained pending on the Collector's file until the 25th July 1882, when it was summarily dismissed. At or about the time of its dismissal, the Chetti began to advance claims on the sheristadar for the payment of the sum of Rs. 3,000 as admitted by 9th witness Tavasimuttu Nadan, whose evidence has not been questioned. The Chetti says that he made these demands personally, and he produces another Chetti, 23rd witness, to show that he went to make the demand. He says his demands were evaded, and he then applied to Messrs. Branson and

* Exhibit C in the original suit.

Branson, solicitors, and had a notice issued to the sheristadar, exhibit C-S*, which was replied to by exhibit I-S. He subsequently saw the sheristadar, and was scolded by him for sending him the letter; still the money was not paid to him, and he filed a suit on the 16th July 1883. After the suit had been filed, he heard from his shop-people that the Nadan (9th witness) and Ragaviengar (10th witness) had come to talk to him about a compromise. He consulted vakil Annasami Aiyer (17th witness), and got from him advice and drafts of documents with which he went to Tranquebar and met the Nadan and Ragaviengar, and certain terms were agreed upon. Ragaviengar subsequently came and took him to the Nadan at Mannárgudi. There Ragaviengar asked the Nadan about a letter which the sheristadar should have sent him, but the Nadan said it had not come. They then proposed to go to Tanjore to get the letter, but the Nadan had to go to Madras, and told him not to give his list of witnesses until his return. The Nadan, however, did not return when he said, and then Ragaviengar proposed a compromise through somebody else, mentioning the District Munsif of Tiruvádi. This idea was abandoned when the Nadan returned, and Saminatha Aiyer (6th witness), who had acted for the Chetti in the petition, was proposed as the arbitrator. The Chetti went to Negapatam to Saminatha Aiyer, and waited for the Nadan and Ragaviengar, but they did not come. Shortly afterwards Saminatha Aiyer told him that he had heard from his brother Aiyasami (7th witness) from Tanjore proposing terms. He gave his terms which, he was afterwards told, were rejected. This story of the compromise is corroborated by all the witnesses named, except Ragaviengar, who denies all knowledge of the affair. Eleventh witness, a clerk of the Collector's office, also deposes that he saw a letter received by Aiyasami from his brother Saminatha Aiyer regarding a compromise of the Chetti's suit.

11. Fifteenth witness is called to show that a proposal was made to him by the Chetti and Ragaviengar that he should apply to the District Munsif of Tiruvádi, who is his brother, to have a compromise arranged so as to hurt nobody.

12. Nineteenth and 20th witnesses corroborate the Chetti's statement that he wished for a compromise.

13. Twenty-fourth and 25th witnesses are called to corroborate the genuineness of the letters F, G, and cover H, written by Aiyasami to his brother Saminatha Aiyer.

14. Third, 18th, 21st, 22nd, and 23rd witnesses are called to prove that the Chetti and sheristadar were either seen together before the suit, or that the Chetti was seen about the sheristadar's premises in such a way as to suggest intimacy, and that, therefore, it is false that the Chetti was totally unknown to the plaintiff. Fourth, 5th, and 8th witnesses are called to show that 4th witness Krishnasami Jadov, 2nd witness in the District Court, is not a person of such credit as he appeared to be to the District Judge.

15. Twelfth, 13th, and 14th witnesses are to show that a sort of evidence in behalf of the sheristadar was suggested to them to prove an alibi, and that they declined to give it, and to show that the batta bills which the District Judge accepted as strong evidence in support of the alibi really do not support the alibi at all, because that batta is drawn regularly for two months after the return of the cutcherry from long circuit, irrespective of residence at Valam or at Tanjore.

16. It is argued that the evidence produced proves that the plaintiff was known to the sheristadar, and that the reason that this was not established in the District Court was that the statement made by the sheristadar on oath that he did not know the plaintiff was the first intimation that was given to the plaintiff that acquaintanceship with him would be denied, and the terms of the reply to Messrs. Branson and Branson, and the terms of the answer to the plaint are pointed to as containing nothing to show that there was at first an intention to make this denial. For this reason it is explained that a stronger case was not present in the District Court to prove acquaintanceship.

17. It is pointed out that the 5th witness in the District Court (who has not been again examined, as it was agreed that evidence, already fully gone into in that inquiry, shall be accepted as evidence in this inquiry) would properly have made a charge in the accounts only from Tanjore to Kumbakonam if he had come on his own business to Tanjore and gone thence to Kumbakonam on the firm's business; that he must at all events have got to Tanjore to enable him to go from thence to Kumbakonam; and that the accounts of the Chetti, which are described as loose cadjans, ought not to have been discredited by the District Judge, because of corrections in them, seeing that if there were an intention to forge, it was quite easy to forge a leaf without corrections.

18. It is argued that exhibits VI-S and VIz-S, put forward in the District Court to show that on the 17th July the sheristadar wrote from Vallam to his nephew in Tanjore does not prove any thing regarding the 18th July, the date in question, and does not even prove that the sheristadar was at Vallam, for the sheristadar's endorsement on it is written in red pencil, while the envelop produced as containing it is written in ink, and the mode in which Mr. Webster's note is worded is rather suggestive of a note to the sheristadar at a distance than to the sheristadar close at hand in office. It is further argued that even were the alibi to hold good, it would prove nothing in the present inquiry, which proceeds on the basis that the Chetti's statement of a loan may be false, and the time at which the money was paid may be false; while it may be still true that there has been a pecuniary transaction, a bribe, or a conditional loan at a different point of time.

19. With regard to the Nadiyam petition, which the Judge accepts as disposed of, it is pointed out that it was put forward as exhibit III on behalf of the sheristadar (apparently to prove that the Chetti had a grudge against him with regard to that petition), that it had not previously been finally disposed of as alleged in the memorandum laid before Mr. Whiteside, and on which he summarily dismissed it, and that it did not suit the Chetti to introduce it into his case, or found on it the arguments which are founded on it now as proving a ground for the payment of a gratification, because if he had so used it, he would at once have put himself out of court. A memorandum on the course that this Nadiyam petition ran in the different offices is put in to show that there was a reason for waiting for the arrival of a new Collector to file it, because, while Mr. Webster was in office with a perfect knowledge of the facts, the plaintiff did not expect that undue influence could be of use, and that the subsequent summary disposal of the petition by Mr. Whiteside was because of the pressure that Mr. Whiteside put on the office-people to have their arrears cleared off. It is argued that the Chetti had succeeded in gaining his point before the tahsildar, and that the Assistant Collector had upset the tahsildar's decision and wrongly referred the parties to a civil court, when he ought to have at least decided the question of fact as to who was to be recognised by the Revenue authorities in accordance with the principle put forward by

Mr. Webster, and adopted by the Revenue Board; and that on the decision of this question of fact depended an annual sum, now estimated by the Chetti in his evidence to be Rs. 500 per annum if the land be farmed through middlemen, but more if the farming be done on the pannai or home-farm principle.

20. In addition to the witnesses now examined for the plaintiff, there have been entered documents A to V, V₁, and V₂, described below in addition to those documents which appear on the file of the District Court.

'Description of documents' with their bearing for the opposite Party.

21. Document A is the statement of lands held by T. Gopalakrishna Pillai, the sheristadar, which, in my opinion, does not concern this inquiry.

Document B is a note of 25th October 1883 to the Pundi Vaudayar, and is put in to show that on that date the sheristadar addressed the Pundi Vaudayar as 'my dear brother,' and introduced a Muhammadan gentleman. It is argued that this is not consistent with the sheristadar's contention that the Pundi Vaudayar had then been plotting against him.

Document C is a bundle containing the Chetti's petition to Mr. Bird and the Nadiyam correspondence.

Document D is a telegram from Ragaviengar to Tavasimuttu Nadan filed with the object of making the Nadan disclose the answer to the telegram, or the cause of the urgent summons to him which he and Ragaviengar say that they do not remember.

Document E is the cash-book of receipts and disbursements of the part of the contract under Ragaviengar's management. It is filed to show that the cost of the telegram D has not been debited to the Nadan.

Documents F, G, and H are two letters and a cover from Aiyasami Aiyer (7th witness) to S. A. Saminatha Aiyer (6th witness), and are filed in connection with their evidence.

Document I is the telegraph copy of D received by the Nadan.

Document J is a note from Mr. Gibson, Sub-Collector, to the tahsildar Narayanasami, and is filed along with K, a testimonial by the same officer, to show that the events in connection with the purchase of the municipal land had not injured Narayanasami Nayudu's character.

Document L is judgment in original suit No. 27 of 1881 on the file of the Tanjore Sub-Court, and is filed to show that Krishnasami Sahib, who was plaintiff, was disbelieved by the court, although he gave evidence on his own behalf.

Document M is judgment in original suit No. 1 of 1883, on the same file, and is to show that Krishnasami lost the suit, although he gave evidence in his own behalf.

Document N is copy of a judgment in appeal against judgment M, and is to show that the District Judge discredited Krishnasami also.

Documents O and O₁ are lists showing T. S. Vaithinatha Aiyer's appointment on Rs. 10, filed to show that Vaithinatha Aiyer was given a post by Gopalakrishna Pillai, and was confirmed in the post before his senior Dorasami Aiyengar. The object of this is to rebut the argument that Vaithinatha Aiyer has more interest in Narayanasami Nayudu, being sheristadar, than Gopalakrishna Pillai, or that he is more indebted to one than the other.

Document P is Mr. Thomas's order on letter from 22nd witness Subba Aiyer, and is to show that Subba Aiyer was transferred to the huzur at his own request and not by the action of the sheristadar against his will.

Document P₁ is a draft in Gopalakrishna Pillai's handwriting made for Subba Aiyer of a petition in which it is said that Gopalakrishna Pillai would give a favorable opinion of Subba Aiyer's character and qualifications for the post of taluk sheristadar.

Document P₂ is a testimonial given to Subba Aiyer by Gopalakrishna Pillai describing him as attentive, regular in attendance, and an honest out-spoken man; it is dated 8th April 1878.

Document P₃ is a note from Gopalakrishna Pillai to Subba Aiyer of 3rd December 1878, telling him of his transfer, and offering to render any help to his people.

Document *P*₄, dated 12th October 1882, and Document *P*₅, dated 9th September 1883, are also private friendly notes from Gopalakrishna Pillai to Subba Aiyer.

Document *Q* is a note from Gopalakrishna Pillai to Narayanasami Nayudu of 15th July 1882, asking him to give a karnam's post to one Srinivasiengar. The object of this is to show that there was cordiality between the two up to that date. It begins, 'My dear brother'.

Document *R* is from Gopalakrishna Pillai to Narayanasami Nayudu of 6th April 1883, beginning 'My dear Sir,' and telling him that he means to take charge from him on that day.

Document *S* is a letter from Sirkele Sami Row and the Collector's order on it, to show that Krishnasami Jadow was threatened with expulsion from the palace.

Document *T* is a petition from Suriyanarayanappien, karnam of Ukkadai, who gave evidence to support the charge of conspiracy in the District Court, praying that his services may not be dispensed with. This is filed to show that the petition was pending when the civil suit was heard.

Document *U* is a testimonial given by Mr. Webster to Aiyasami Aiyer, the 7th witness, and is intended to show that Aiyasami Aiyer had not suffered by being found fault with for having given a paper from the office to the Hon'ble A. Seshia Sastrigal.

Documents *V*, *V*₁, and *V*₂ are proceedings of the municipal commissioners of Negapatam of the 21st July, 28th July, and 13th July 1881, to show that the proceedings of Narayanasami Nayudu about the municipal land were published in the District Gazette, that there was a Norton's tube-well at work in Negapatam, and that a new fresh-water well was proposed to be sunk.

Document *W* is the bundle of papers in the inquiry into the conduct of Mr. D'Monte, Salt Deputy Collector, which is alluded to in Mr. Pennington's reply to the sheristadar's statement, as showing that witness Ragaviengar was concerned in that case as giving security for a bribe.

22. In his defence the sheristadar has confined himself principally to combatting the attack made upon him. His statement, in writing, should be entered here and considered in full.

23. He has only examined two witnesses on his own behalf. The first is Mr. Pennington, the Collector of Tanjore. He says that Mr. Stokes told him that he could not get on with the sheristadar; Mr. Stokes said this on his arrival in the district. He remembers that the sheristadar said that the suit was the work of his enemies; he does not remember that the sheristadar then said that he did not know the plaintiff. He first heard of the alleged attempts to compromise the suit from 6th witness Saminatha Aiyer, who came to call upon him. The object of the examination of this witness is to throw discredit on Saminatha Aiyer's *bona fides* by showing that he, as one of the conspirators, introduced the question of the compromise to the Collector's notice. Some of the questions put appear to suggest that Saminatha Aiyer has, since his conversation with Mr. Pennington, been selected as Public Prosecutor for the joint courts of Tanjore, but no use has been made of such a suggestion in argument.

24. In the course of this witness's examination, it became necessary that he should consult his notes, when he discovered that he had made a note with reference to Saminatha Aiyer's statement which contained the expression 'he had destroyed the letter;' and he thought it right to introduce the matter to my notice, because writing subsequently from memory to Government he had said, "though there is, of course, no written evidence of the negotiation, I see no reason to doubt, &c." This part of the evidence becomes important to the sheristadar by enabling him to found on it the argument that the letters between Saminatha Aiyer and his brother Aiyasami were fictitious and fabricated in pursuance of the conspiracy which Saminatha Aiyer turns out to be one of the principal promoters of. These letters were never seen by Mr. Pennington until they were produced in court.

25. The 2nd witness, Mr. Oliver, is merely examined to discredit the 22nd witness Subba Aiyer as having given to him and Mr. Johnstone a different account

from that which he has given in this inquiry about a statement said to have been made by the Chetti plaintiff. Subba Aiyer was asked in cross-examination whether he had not told Mr. Oliver and Mr. Johnstone that he had heard directly from the Chetti that wicked men had induced him to bring the suit against the sheristadar. He denies that he said so, and Mr. Oliver swears that he did. The object of discrediting the 22nd witness is to get rid of a statement he has made to the effect that he saw the Chetti being summoned by a peon and going up to the sheristadar's upstairs room in which the sheristadar was at the time. As the examination of this witness shows that friendship has existed between him and the sheristadar for some time, it is important to discredit him in connection with the point of the sheristadar's prior acquaintance or otherwise with the Chetti.

Documents filed for the Sheristadar with their bearing on the points of the Case.

26. The documents filed on behalf of the sheristadar are I to XXII.

I is a note from the Military Secretary to Krishnasami Jadow Sahib, filed to show that Krishnasami is a person of consideration through whom the thanks of His Excellency the Governor were conveyed to persons who entertained him at Tanjore, dated 24th November 1873.

II is from the Private Secretary to the same gentleman, dated 24th March 1871, saying that His Excellency the Governor will be glad to see him.

III is a copy of a judgment in calendar No. 255 of 1883 on the file of the taluk magistrate of Kumbakonam dismissing a complaint brought by 22nd witness Subba Aiyer. The object of this is to discredit Subba Aiyer.

IV is copy of a judgment in original suit No. 87 of 1881 on the file of the Negapatam Sub-Court, in which Narayanasami Nayudu, Saminatha Aiyer, the Pundi Vadayar and two others were defendants. Its object is to discredit the two first-named individuals by showing that they were parties to a transaction in which coercion was alleged by a widow to induce her to execute a deed of disposition of property.

V & V₂ are mahazars or round-robins from the rate-payers of Negapatam complaining of the conduct of Narayanasami Nayudu and Saminatha Aiyer and of the administration of municipal affairs generally.

V₁ is the explanation of Saminatha Aiyer who was Vice-President. The object of these documents is to show that these two persons were again joined together in a questionable transaction, which excited many persons against them, and brought forth an unfavorable expression of opinion from the Collector-President, and that in the explanation Saminatha Aiyer made no allusion to the discovery of good water in adjacent spots by aid of the Norton's tube-well as he now does to account for the willingness of the commissioners to let the old well go with the land.

VI is a petition from plaintiff Venkatachalam to the then Vice-President of the Negapatam municipality requesting reduction of his license-tax from Rs. 200 to Rs. 50.

VII is the order of the then Vice-President Swayambu Aiyer reducing the license-tax accordingly.

VIII is an extract from the license-tax register showing that plaintiff's firm's license-tax was still further reduced to Rs. 25.

IX is an extract from the professional-tax register showing reductions of plaintiff's professional-tax from Rs. 50 to Rs. 25 and then to Rs. 12.

The object of exhibits VI, VII, VIII, and IX are to show that plaintiff's own statements made out of court show that his income has been lately much diminished.

X is copy of a judgment in original suit No. 70 of 1881, on the file of the Negapatam Sub-Court, in which Arunachella Chetti of plaintiff's firm was plaintiff. The suit was dismissed, and there was no appeal. The object of the exhibit is to discredit the plaintiff.

XI is copy of a judgment in original suit No. VI of 1882, on the same file, in which Venkatachalam Chetti was plaintiff, and in which his accounts were discredited by the Judge. The suit was dismissed, and subsequently a small portion of the amount was admitted on appeal.

XII is a note from Mr. Stokes to Narayanasami Nayudu on 12th January 1883 saying, "You have got a reprieve. Gopalakrishna Pillai is going to Madras I have told him that afterwards he must take the balance of his privilege leave, &c." The object of this is to show that Narayanasami Nayudu did not want to go as tahsildar to Tanjore, and that Mr. Stokes's feelings had changed through Narayanasami's influence between this 12th January 1883 and previous letters XIII and XIV written by him in September 1882.

XIII, dated 25th September, says, "It will be extremely inconvenient for me if you take leave, &c.," and XIV (without date) says, "You must have the leave I suppose, but you must give me a little time to consider the arrangements which will have to be made, &c.," and goes on to consult the sheristadar on one or two matters.

XV is a note from Narayanasami Nayudu to a friend whom he styles, 'Bayah,' asking him to send his tin-box through 'our' friend Mr. Sundararajulu Nayudu Garu. This is filed to show that Sundararajulu Nayudu, who gave evidence in the District Court to the effect that he heard of the suit from Narayanasami Nayudu before it was filed, is a friend to Narayanasami Nayudu.

XVI is sheristadar's note on correspondence with regard to the conduct, and recommended suspension of the manager of the Vadapattunnam estate, and the appointment of a manager in succession to him. It is filed to show that the sheristadar mentions 10th witness, Ragaviengar, as being recommended by the Mannargudi Deputy Collector, but says, "I don't know if he will be equal to the work, &c." The object of this is to show that Ragaviengar was disappointed through the action of the sheristadar, and that his evidence in the present inquiry is, therefore, not likely to be favorable to the sheristadar.

XVII is an order of Mr. Webster's on 7th witness Aiyasami's explanation, and is filed to show that Aiyasami was reproved once by the Collector for having shown office records to the Hon'ble A. Seshiah Sastrigal.

XVIII is a nominal list of volunteers filed to show that T. S. Vaitlinatha Aiyer, 11th witness, was promoted out of his turn during the time of Narayanasami Nayudu, and is, therefore, disposed to speak on his side.

XIX are the papers connected with the Norton's tube-well sent to Negapatam. The object in asking for these papers was to show that the tube-well was sent after the land at Negapatam was sold to Narayanasami Nayudu; but the papers do not show this but the reverse, and this exhibit is not in favor of the side filing it.

XX is the Collector's order, refusing arrears claimed by Sirkele Govinda Row, 5th witness, passed on the sheristadar's memorandum objecting to the grant, filed to show that the sheristadar's memorandum changed the Collector's mind and lost to the Sirkele nearly Rs. 4,000 shortly before he came forward as a witness at the present inquiry.

XXI is Mr. Webster's order, stating that Subba Aiyer had disobeyed his orders, and transferring him to Patukota from Tanjore, dated 10th April 1880, filed to show that Subba Aiyer would be likely to attribute his removal to the sheristadar, and would, therefore, conceive ill-will against him.

XXII is the Board's proceedings on the letter of the Collector of Tanjore bringing to notice the names of ten individuals who proposed to relieve Government of the cost of the famine godown in Tanjore

during the famine, among which ten is Krishnasami Jadow Sahib, 4th witness, in this inquiry.

27. The issues recorded were—

- (1) did the sheristadar attempt to compromise the suit or not?
- (2) was the statement made on oath in court that the sheristadar never saw or knew the plaintiff in the case before true or false?
- (3) was there any subsequent ground of justification for imputing a conspiracy to the Deputy Collector?
- (4) are there grounds for supposing that the defence in the District Court is false as regards the alibi raised, and delusive as regards the sheristadar's influence or possible influence in the Nadiyam case?

28. The sheristadar's case on the issue of the conspiracy is contained in sections 38 to 48 (inclusive) of his written statement. He believed the conspiracy to be at the bottom of the suit because—

- (1) the plaintiff was unknown to him and not his creditor;
- (2) plaintiff resided at Negapatam where Narayanasami was tahsildar for three and-a-half years;
- (3) Narayanasami Nayudu and Saminatha Aiyer blamed him as sheristadar for not using his opportunities to prevent so strong an indictment as Mr. Bird sent in the municipal case from going forward and the plaintiff became the tool of these two men, because the Nadiyam petition was summarily dismissed;
- (4) Mr. Stokes changed from being on good terms with him and refused to allow him to rejoin his appointment before his leave expired, and this was due to Narayanasami Nayudu's influence and misrepresentations;
- (5) he had heard from Sundararajulu Nayudu, 4th witness, for the defence in the civil court that Narayanasami Nayudu had spoken of a suit against him long before the suit appeared;
- (6) Subba Aiyer, 22nd witness on the commission, had told him about his having heard from the Chetti that wicked men had induced him to bring the suit against the sheristadar;
- (7) Suriyanarayanappien, 8th witness in the civil suit, had told him of the suspicious conference in the civil suit;
- (8) Narayanasami Nayudu and Saminatha Aiyer had acted jointly in the municipal matter at Negapatam, whereby Narayanasami Nayudu obtained property worth Rs. 1,500 for Rs. 100, and they had acted jointly in coercing Pillamuttu Pillai's widow into executing a deed of disposition of her late husband's property;
- (9) neither of these two men, though professing friendship for him, told the sheristadar of the Chetti's action;
- (10) facts disclosed at the inquiry by commission show that Narayanasami Nayudu had a desire to succeed him as sheristadar;
- (11) such facts also show that Saminatha Aiyer and Narayanasami had a greater interest in the Nadiyam petition than appeared to him at first;
- (12) these facts show that the plaintiff Chetti at Vallam expressed himself satisfied that he had a chance of success in his Nadiyam petition, because the sheristadar was favorably disposed to him; but the circumstances of the meeting at the Muppanar's bungalow in Tanjore show that the Chetti spent the whole day there, that he never spoke to the sheristadar, and that he must have spoken to Narayanasami, although the latter says he did not;
- (13) the plaintiff's suit was based on insufficient evidence, as admitted by his own vakil at this inquiry;
- (14) the plaintiff is not a respectable man, as appears from the opinion of the District Court in finding him to be perjured in the suit from the finding against him in original suit No. 6 of 1882 on the file of the Sub-Court;

- (15) the Nadiyam petition was introduced into the suit not to benefit the plaintiff's case, but to cast suspicion on the sheristadar;
- (16) the sheristadar was asked to dine with Narayanasami Nayudu on the night that Saminatha Aiyer and the plaintiff arrived in the Muppanar's bungalow, in order to make evidence against the sheristadar;
- (17) a suggestion was made that the Nadiyam petition was put in at the time of the arrival of the new Collector, whereas there had been three changes prior to Mr. Bird's arrival;
- (18) Narayanasami Nayudu had just been appointed Deputy Collector of Patukōta in which Nadiyam village is situated, and it was this that induced the Chetti to put in his petition;
- (19) it was the change of Collectors that led to the delay in disposing of the Nadiyam petition;
- (20) the sheristadar's character is better than that of Narayanasami Nayudu, and he has not called evidence to his character, because he thinks that Krishnasami Jallow was unfairly questioned, and he would not subject others of his friends to such questioning.
29. The answers of the other party to these twenty points are contained in paragraphs 8 to 33 of their written statement and paragraphs 18 to 33 of the remarks on the sheristadar's statement, and are briefly to the following effect:—
- Point 1.*—The plaintiff was known to the Chetti as shown by the evidence of witnesses 3, 6, 16, 18, 21, 22, and 23, and there is reason to believe that he was his creditor, because the present inquiry throws light on certain circumstances which the District Judge had not fully before him, and because the accounts of the Chetti admit of a different view from that taken by the District Judge.
- Point 2.*—This is not disputed.
- Point 3.*—This is an after-thought. The sheristadar's statement that Narayanasami and Saminatha Aiyer blamed him in connection with Mr. Bird's report is not consistent with (1) his statement in the District Court that Narayanasami and himself had been excellent friends till he left for Madras; (2) his statement at the beginning of this inquiry that Mr. Bird's letter showed that Narayanasami Nayudu was capable of conspiring; and (3) his admission towards the close of this inquiry that he was not in the office at the time when Mr. Bird wrote the letters.
- Point 4.*—In his evidence in the District Court the sheristadar said that he never attributed to Narayanasami Mr. Stokes's refusal to permit him to rejoin office before his leave expired.
- Point 5.*—Sundararajulu Nayudu is, and was, a friend to the sheristadar, and on the supposition of a conspiracy this conversation is improbable. It is denied by Narayanasami Nayudu; it was not credited by the District Judge, and Sundararajulu Nayudu is not pleased with Narayanasami Nayudu, because of having failed to get promotion which he expected during Narayanasami's term as sheristadar.
- Point 6.*—If Subba Aiyer had told the sheristadar this, Subba Aiyer would have been called as a witness at the trial in the District Court, and Krishnasami Aiyer would not have been called at all. The summoning of Krishnasami Aiyer and the failure to examine Subba Aiyer corroborates Subba Aiyer's present statement that what he told the sheristadar was only what he had heard Krishnasami Aiyer say.
- Point 7.*—Suriyanarayana's evidence was ridiculed in the District Court, and is denied by the Chetti, by Narayanasami Nayudu, and by the Pundi Vaudayar, against the latter of whom there is no longer any apparent accusation of conspiracy.
- Point 8.*—Narayanasami Nayudu's action with regard to the piece of ground in Negapatam was open and public. The price of the piece was fixed at Rs. 100 by five commissioners. The well in the land is valueless, and the records show that a Norton's tube-well had just been obtained, and was

- actually at work testing for good water. The question when brought before Government did not elicit anything unfavorable to Narayanasami Nayudu, and he obtained a favorable testimonial from the Sub-Collector, who knew the whole facts, shortly afterwards.
- Both Saminatha Aiyer and Narayanasami Nayudu were great friends of Pillamuttu Pillai. The widow's act was voluntary as shown by her registration of the deed of disposition, and the suit was the result of her brother's interference as shown by his having made a criminal complaint to the Sub-Collector in the matter.
- Point 9.*—Supposing the men to have known of the claim, delicacy would have forbid their speaking about it if there was no conspiracy as its nature would have been thought suspicious.
- Point 10.*—Narayanasami Nayudu explains that he only wished to be sheristadar in case it became necessary for him to revert to the tahsildari of Tanjore, in which appointment he feared ruin because of his enemies.
- Point 11.*—The suggestion seems to be that Narayanasami and Saminatha Aiyer took money from the Chetti as a bribe for the sheristadar, but if so, the Chetti would have applied to them for a refund instead of asking the Nadan and Ragaviengar to apply to the sheristadar direct as he invariably did; and if he had given money to them, which they refused to refund, he would hardly have conspired with them to falsely accuse the sheristadar.
- Point 12.*—The sheristadar admits that he was at the bungalow on the night the Chetti arrived. He means either that he was brought to make evidence against him or to make the Chetti think that his influence was being secured in his behalf. It was not necessary to wait till Narayanasami was appointed Deputy Collector to make such evidence; and if the latter idea formed their object they could hardly expect that the Chetti, whom they had swindled, would, as already stated, listen to their instigation and bring a suit against the sheristadar. The Chetti's accounts are, however, genuine, and show that the money was paid a year prior to the meeting at this bungalow.
- Point 13.*—The insufficiency of the evidence was to the point of proving a loan, not a pecuniary transaction of some sort or other.
- Point 14.*—It is not admitted that the plaintiff committed gross perjury. He may not have spoken the truth in alleging a loan pure and simple; but it may be true that the money was a loan to be retained on condition of the Chetti's obtaining the advantage he was seeking.
- Point 15.*—The Nadiyam petition was not introduced into the suit by the plaintiff Chetti, whose interests it has not served, for it helped to lose him his suit by giving to the transaction the complexion of a bribe; but it was filed by the sheristadar as exhibit III in his defence in the District Court, and the question with regard to it was then first raised.
- Point 16.*—This had been disposed of in answering 11 and 12.
- Point 17.*—The three changes alluded to were not changes preceding Mr. Bird's arrival on Mr. Webster's departure on leave, but preceding a previous departure of Mr. Webster on leave.
- Point 18.*—Narayanasami Nayudu's appointment as Deputy Collector was only for a fortnight preceding the known event of Mr. Macleod attaining six months' service.
- Point 19.*—The change of Collectors does not account for the delay in disposing of the Nadiyam petition.
- Point 20.*—The character claimed by the sheristadar might be disproved by reference to Collectors and Native officials who know him.
30. The sheristadar's case on the attempt to compromise is contained in paragraphs 6 to 22 of his written statement. The following are the points:—
- (1) Aiyasami professes to remember the exact words used by the sheristadar, and is not to be believed. It looks as if he had officiously taken upon himself to bring about a compromise with the Chetti; he sticks

- by the letters and by his brother's statements, and he may have taken advantage of a passing remark made by the sheristadar to the effect that rumour said that the suit was to be withdrawn.
- (2) The sheristadar always stated that he would fight the suit, and he could not have compromised it after its institution.
 - (3) The whole story discloses two probabilities: (1) that the plaintiff was trying to get out of a dilemma; and (2) that he was creating evidence for his suit. It is argued that Tavasimuttu Nadan and Ragaviengar would not have told the Chetti's shop-keepers that they came to compromise; that the Chetti would not at once have rushed off to 17th witness Annasami Aiyer without having heard the terms of the proposed compromise. The course of the negotiations is then examined with reference to the account given by Tavasimuttu Nadan; and it is argued that the Nadan suspected that Ragaviengar was under the influence of the Chetti, and therefore refused to act.
 - (4) Saminatha Aiyer only told Mr. Pennington of the compromise in order to protect the Chetti from a cruel prosecution.
 - (5) It is argued that letters *F* and *G* are not evidence against the sheristadar, and that they were not in existence at the time of the civil suit, because they would have been produced to show acquaintance between the sheristadar and Chetti.
 - (6) The circumstance regarding the non-production of these letters before Mr. Pennington is against them. It is curious that they were found in Narayanasami Nayudu's house by Saminatha Aiyer when examining his box; and also curious that it was decided by Narayanasami's advice not to produce them before Mr. Pennington 'until necessary.' It is most remarkable that Narayanasami Nayudu, who was assisting Mr. Pennington in obtaining evidence, did not tell him of these letters.
 - (7) Ragaviengar denies all recollection of having had any conversation with the plaintiff, Tavasimuttu Nadan, or Aiyasami. He is a man different in caste and position from the sheristadar, was not his friend, and is more likely to have acted in the plaintiff's than in the sheristadar's interest.
 - (8) Eleventh witness, Vaithinatha Aiyer cannot remember whether he read the letter or had it read to him, and yet he can repeat the terms of the proposed compromise.
 - (9) A witness summoned by telegram from Negapatam said he knew nothing about these letters.
 - (10) The terms of the compromise were settled at Negapatam, and there was no reason for subsequent conferences, and there was no reason why the Chetti should not come and settle the terms of the compromise direct.
31. The replies to these ten points are in paragraphs 34 to 47 of the statement of the opposite party and paragraphs 1 to 12 of remarks on the sheristadar's statement:—
- (1) Aiyasami's statement was taken down by the Collector within a month of the time he wrote the letters, and this would have impressed the terms of the letter on his mind. Aiyasami says that Ragaviengar distinctly asserted himself to be acting for the sheristadar. If Aiyasami's object was to corroborate the letters, he need not have introduced in his deposition the sheristadar's name, for the letters only mention Ragaviengar. He was not likely to support Saminatha Aiyer in a matter in which Saminatha Aiyer has been most reluctant to come forward.
 - (2) The sheristadar never expected the Chetti to sue for this money as a loan, and when the suit was launched, he could only arrange that it should be *withdrawn* by the Chetti, and they failed to come to terms about it. He would, of course, assert his intention to defend it, as it was sure to attract attention.

- (3) The sheristadar has not shown any inconsistencies in the stories told about the compromise. The Chetti did not try very hard to effect a compromise. If the Chetti were creating evidence, he would have put such evidence before the court. The Chetti hearing that there was a proposal to compromise this very extraordinary suit would naturally consult a vakil at once in his own interest to know how it was possible. Tavasimuttu's refusal to act was because he feared to be dragged into a departmental inquiry about the letter, which it was proposed to deposit with him. The letter to be given was not intended to confer an authority on Ragaviengar, but to place at the Chetti's disposal a check on the sheristadar's subsequent actions. The statements of the witnesses have not been correctly given in the sheristadar's statement, and it is absurd to suppose that Tavasimuttu Nadan should have thought that Ragaviengar was acting under the influence of the plaintiff.
- (4) Saminatha Aiyer did not interfere to save the Chetti from prosecution; he only said it would be hard on him to prosecute him in his opinion, because he was aware of a projected compromise.
- (5) and (6) There is no reason to doubt the genuineness of the letters *F* and *G*. Krishnasami Aiyer, the Deputy Collector, proves that some such letters were found by Saminatha Aiyer in Narayanasami Nayudu's house on the day of Saminatha Aiyer's conversation with Mr. Pennington. Krishnasami Aiyer as well as Narayanasami Nayudu recommended the retention of the letters until necessary. Saminatha Aiyer was perplexed how to act, being a friend to the sheristadar under whom his brother Aiyasami was acting. Saminatha Aiyer was in the habit of staying with Narayanasami who was his friend, and it is not extraordinary that he should have searched his box in his house. Narayanasami Nayudu was not assisting the Collector in obtaining evidence, and only came to assist at the inquiry when the case was begun. He was aware that Saminatha Aiyer objected to the production of letters *F* and *G*, and therefore held his tongue about them. The letters could not have been produced to prove acquaintanceship with the Chetti, because it was not until the sheristadar went into the witness-box that it was known that he denied acquaintanceship.
- (7) Ragaviengar is very intimate with the sheristadar, and there is no evidence of any connection between him and the plaintiff or Narayanasami. It is impossible to account for his mode of giving evidence, except on the supposition that he was in favor of the sheristadar.
- (8) This point is not noticed by the Collector.
- (9) This is not the case. The witness said he had not seen the letters, but had been present at a conversation between the Chetti and Saminatha Aiyer, and had heard the latter tell the former that he had received the letters. The Commissioner ruled against the receipt of this evidence.
- (10) The terms were not settled at Negapatam, for the action on the part of the sheristadar in depositing the letter was a necessary preliminary to any settlement. The sheristadar treats the matter as if it were an ordinary loan. The Chetti could not have gone in person under the circumstances. He would not have been received.

32. I think it unnecessary to set forth in detail the arguments on the other points of the alibi, the prior knowledge of the Chetti possessed by the sheristadar, and the reasons why the case was put before the District Court in a way that

admits of a different view being taken of it now. These and the more detailed arguments in the case are to be found—

- in paragraphs 5 to 7 and paragraphs 49 to 75 of the statement opposed to the sheristadar;
- in paragraphs 23 to 37 and paragraphs 49 to 76 of the sheristadar's statement; and
- in paragraphs 13 to 17 and paragraphs 32 to 39 of the remarks in the sheristadar's statement.

They are points incidental to the whole inquiry. They are more or less noticed in the thirty points already recorded, and the general observations on the whole case must apply to them more or less.

33. The order in which I propose to deal with the issues is to take the question of the conspiracy first, for it seems to me the essential point in the case; because if a conspiracy is found to be non-existent, then all those witnesses who, while the question is undecided, stand in the position of doubtful witnesses, at once spring into the position of witnesses deserving of credit on the other parts of the case.

34. I will first consider the foresight that was necessary on the part of the conspirators to bring matters to the point at which they now stand. Narayanasami Nayudu must have had the problem before him of how to get the sheristadarship by effecting the ruin of his friend Gopalakrishna Pillai. This involved that the Chetti should sue the sheristadar in such a way that public notice would be attracted to it; that if the suit succeeded the sheristadar should be dismissed and otherwise that the Collector's attention should be aroused; that the sheristadar should be unable to account for the fact of a false suit being brought against him, and should on that account be dismissed; and that the person to take his place should be the arch-conspirator. It involved also the preparation and securing as witnesses at a distant period the large number of persons who have come forward in this case to give evidence against a person of such influence as the huzur sheristadar. It must, therefore, have been a most carefully laid and elaborate scheme, and success must have been deemed pretty certain.

35. The 9th witness Tavasimuttu Nadan, whom the sheristadar does not discredit, makes it plain that the Chetti spoke of this debt to him 7 or 8 months before the Chetti sent Messrs. Branson and Branson's letter to the sheristadar, and therefore at the time when Narayanasami Nayudu was tahsildar of Negapatam, with no prospect of succession to the sheristadarship, and with some prospect of suffering in reputation through the agitation at Negapatam, which led Mr. Bird to take so serious a view of his conduct in spite of the Government having passed the matter over.

36. Also if the conspiracy did exist, it is necessary to suppose that the prime movers in it, after waiting for nearly 2½ years to bring it to a head through the civil suit, withheld a large part of their important evidence, and by the way in which they dealt with the accounts led to the discrediting of the suit in the civil court.

37. Assuming, however, that the conspiracy was laid and carried out as projected, I have to consider the record with reference to the persons who must have been actually concerned in the conspiracy either from the beginning or subsequently and the documents on each side which contribute to show probable complicity or the reverse.

38. It is not necessary to suppose, from the sheristadar's point of view, that those witnesses who simply depose to knowledge of negotiations between the Chetti and the Nadan or Ragaviengar should be conspirators at all; for the Chetti and Ragaviengar may have been creating appearances against the sheristadar by openly conducting negotiations before witnesses, and the counsel for the sheristadar has expressly submitted in his address that some of these witnesses have been imposed upon by the trick of a negotiation.

It is unnecessary, therefore, to consider on this issue as a conspirator the 9th witness Tavasimuttu Nadan or the 15th, 17th, 19th, and 20th witnesses.

39. Those who must have joined in the conspiracy are witnesses 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 18, 21, 22, 23, 24, and 25.

40. From these, supposing the question of the genuineness of exhibits F, G, and H, to be conceded, it is possible to eliminate witnesses 24 and 25. They were simply called, because entries in the Collector's note, and first report made it somewhat doubtful whether these exhibits might not have been newly brought into existence. It is, however, apparent from the examination of the Collector that he did not take a statement in writing, that he wrote from memory afterwards, that 'the letter had been destroyed,' and probably thereby referred to the letter that Aiyasami said had been torn up, and that his report to Government that 'of course no documentary evidence exists' may have been written with reference to this torn letter more than to anything Saminatha Aiyer may have said to him. It is also plain, however, that Saminatha Aiyer himself was doubtful during his conversation with the Collector whether he had these letters; and he may have said that they were destroyed, or that he thought that they were. At all events, it is unlikely that persons conspiring to bring about this inquiry would have failed to bring these letters into immediate existence. I think it unnecessary, therefore, to suppose that the Deputy Collector, Krishnasami Aiyer and the other, vakil of the High Court, 25th witness, joined in this conspiracy, and I shall leave them out of consideration as conspirators.

The other witnesses are—

- 1st witness Narayanasami Nayudu, Temporary Deputy Collector,
- 2nd witness, Pundi Vaudayar, a man of great wealth,
- 3rd witness, an ordinary peon,
- 5th witness, the palace Sirkole, worth two lakhs of rupees, besides a salary of Rs. 200 a month,
- 6th witness, Saminatha Aiyer, Public Prosecutor of the North-Tanjore District Court, and a man of large fortune,
- 7th witness, brother to the former, and a clerk well spoken of by the Collector Mr. Webster,
- 8th witness, Subramani Aiyer, ordinarily considered to be the leader of the Tanjore Bar,
- 10th witness, Jagaviengar, Manager of Tayasimuttu Nadan,
- 11th witness, T. S. Vaithinatha Aiyer, clerk in the Collector's office,
- 12th, 13th, and 14th witnesses, clerks of the Collector's office,
- 16th witness, the plaintiff Venkatachalam Chetti,
- 18th witness, Ramanadhan Chetti, who puts himself down as worth Rs. 70,000,
- 21st witness, Adam Sahib, a man worth Rs. 20,000,
- 22nd witness, Subbien, the Revenue Inspector,
- 23rd witness, Sivasubramania Chetti, agent to a firm that rents two taluks of the Shivaganga zemindari,

41. I have already set forward the two cases as they appear on the thirty points recorded above; and I have now to give my opinion on them with reference to the evidence of the witnesses abovementioned.

42. The conspirators may be divided into—

- 1st, 2nd, and 6th and 16th as principal conspirators;
- 3rd, 7th, 10th, 11th, 18th, 21st, 22nd, and 23rd as aids brought in to prove previous acquaintance between the sheristadar and the plaintiff; fifth, 6th, 12th, 13th and 14th as aids to discredit the alibi set up; seventh, 8th, 10th, 11th, 21st, and 23rd as aids to show that there was an offer to compromise the case made by the sheristadar.

43. The 2nd witness, the Pundi Vaudayar, may at once be removed from the list. The suggestion against him was contained only in the evidence of the karnam of Ukkadai examined before the District Court, whose evidence was there scouted, and who had a petition pending before the sheristadar at the time he gave evidence.

44. The suggestion of conspiracy against the 1st witness, Narayanasami Nayudu, was conveyed in the District Court by the evidence of two witnesses Sundararajulu Nayudu and this same karnam. It is now argued that the union of Narayanasami Nayudu with Saminatha in the two transactions at Negapatam, their

previous acquaintance with the Chetti, their meeting when the Chetti passed through Tanjore to present the Nadiyam petition, the invitation to the sheristadar to dine with Narayanasami Nayudu, the fact that Narayanasami Nayudu was appointed Deputy Collector of Patukota when the Nadiyam petition was presented, the fact that Narayanasami Nayudu wished to be sheristadar, the fact that Mr. Stokes conceived a dislike for the sheristadar while Narayanasami Nayudu was acting *locum tenens*, the coolness that originated between them, and the fact that Saminatha Aiyer introduced to Pennington the subject of the overtures of compromise, all point to a corruption of the suspicions which had at first been only advanced by way of surmise.

45. I have felt a difficulty in dealing with this matter, because of having known Narayanasami Nayudu for above ten years and of having no previous acquaintance with the sheristadar. I thought well of Narayanasami Nayudu, and I had heard a good character expressed of him by other officers, and it seemed to me improbable that he would engage in a conspiracy; but it turned out that my previous acquaintance with him was of advantage to the sheristadar; for, if any other officer had been conducting the inquiry, it would have appeared in Narayanasami Nayudu's evidence that he did not wish for the appointment of sheristadar, and had often told Mr. Stokes so, and would prefer a tahsildarship to the sheristadarship, and thereby all motive on his part to forge this conspiracy would have been got rid of; but it happened that when I was about to leave the Tanjore judgship in last November Narayanasami Nayudu called on me and spoke of a rumour that Gopalakrishna Pillai was likely to become sheristadar of the Revenue Board, and that he would like to succeed him as sheristadar. When, therefore, Narayanasami Nayudu made the statement that he preferred a tahsildarship to the sheristadarship, I was very much astonished and took some time to consider whether I had not been mistaken in attributing to him a conversation held with some one else. I concluded that I could not be mistaken, and I examined him on the point, and he then stated that my recollection of a conversation to the above effect with him is correct; but that what he meant in his present evidence is that he would prefer any tahsildarship *except that of Tanjore* to the sheristadarship. He is tahsildar of Tanjore, and must revert to that appointment when the Assistant Collector becomes six months' standing; and he explains that his wish for the sheristadarship expressed to me was only a wish to get an appointment to save him from the tahsildarship of Tanjore, in which appointment he fears ruin from his enemies; and he has recalled to my recollection a conversation in which I remember him to have said that his father had been tahsildar of Tanjore, and had raised up many enemies, of whom he was afraid. I am very doubtful, however, what interpretation to put on this seemingly disingenuous statement of Narayanasami Nayudu. He cannot have ventured to suppose that I would allow such a statement to stand uncorrected, if I remembered it; and he must, therefore, have either counted on my forgetting it, or the meaning he intended to convey must be that which he now puts upon his statement. At all events, the sheristadar is now entitled to argue that there was motive on Narayanasami's part to turn him out of his appointment.

46. This motive will not, however, apply to Saminatha Aiyer who appears to be a friend to the sheristadar as well as to Narayanasami Nayudu. I had not seen Saminatha Aiyer before, but he appears to be a respectable wakil of large property, to have been selected as Public Prosecutor of the North Tanjore Court, and to have continued as such for many years, and to be the person proposed as Public Prosecutor for the contemplated combined courts of North and South Tanjore. He is evidently a great friend of Narayanasami's, as evidenced by his being associated with him in the two transactions at Negapatam, and coming to stay with him when passing through Tanjore; but the transactions at Negapatam have nothing of such a nefarious nature about them as would stamp the persons engaged in them with the character required for the present deeply-hatched plot, and mere friendship would not account for a man in the position of Saminatha undertaking such a risk as the joining in such a plot might involve on him. The explanation he gives of how he came to inform Mr. Pennington of the compromise is that Mr. Pennington spoke

to him of some idea he had of prosecuting the sheristadar, and he then said that such a measure had already lost his money in spite of the fact to him. Mr. Pennington thereupon took up the question of the compromise. Mr. Pennington considers that Saminatha Aiyer is unwilling to give him information, and certainly Saminatha Aiyer's failure to bring documents B, C, and D, which I find to be genuine documents, to Mr. Pennington notice was not like the action of a genuine conspirator, but rather of a person who declined to proceed to the lengths that he might do if he chose.

47. That part of the sheristadar's argument which suggests that money was taken by Narayanasami Nayudu and Saminatha Aiyer from the Chetti under the pretence of securing the sheristadar's favor for the Chetti clearly cannot hold water along with the question of the conspiracy, for the Chetti instead of conspiring with the persons who took his money would have required it back from them, and not from the sheristadar who might never have received it.

48. I am, therefore, quite unable to understand why Saminatha Aiyer should assume the rôle of a conspirator at all, and I feel bound to accept his statement as altogether true.

49. The statement of Aiyasami, the 7th witness, is attacked as unworthy of credit, because he is said to have joined his brother Saminatha Aiyer in the conspiracy, because he is a bad character, and was corrected by Mr. Webster for letting papers out of the office, and because he is indebted to Narayanasami for promotion; but I have found that there is no reason why Saminatha Aiyer should conspire, and therefore I find no reason why Aiyasami Aiyer should conspire because of their relationship, and the other two grounds for supposing him to conspire have no weight, for Mr. Webster's order is not a severe one, and was followed by a very good character, and Aiyasami Aiyer was as much indebted for promotion to Gopalakrishna Pillai as to Narayanasami.

I therefore see no reason to discredit Aiyasami Aiyer.

50. The 16th witness is the Chetti, and with regard to him I cannot see any reason why he should wish Narayanasami Nayudu to oust Gopalakrishna Pillai. It could not be in order to secure success for the Nadiyam petition, because the Nadiyam petition had been already dismissed. It is impossible to suppose, as pointed out, that he was suing the sheristadar for money that he had paid to Narayanasami to be handed over to the sheristadar, and nothing else suggests itself to me.

51. No motive for a conspiracy being apparent, and most of the other grounds *pro* and *con*. being stated in my précis of the twenty points I have stated between the parties on which I feel obliged to accept the conclusions adverse to the sheristadar, I think it unnecessary to examine this question further than as regards the evidence of the Nadan (9th witness), Ragaviengar (10th witness), and Subba Aiyer (22nd witness).

52. The Nadan has been expressly excluded from the category of a conspirator, that is to say, he is supposed to have been misled by the statements of Ragaviengar, his manager, into believing that the compromise proposed by Ragaviengar on behalf of the conspiracy was a compromise proposed on behalf of the sheristadar; but the Nadan's evidence shows that after this proposal of a compromise had been made to him, and after the Chetti had told him of his intention to sue the sheristadar, he (the Nadan) constantly saw the sheristadar, and yet he denies that he ever mentioned to the sheristadar the fact that a Chetti was about to sue him, and that he had been asked by a third party to arrange a compromise on his behalf. Such a statement is quite incredible to me, and I say that the Nadan, who asks me to believe that he was willing to negotiate between the Chetti and the sheristadar, but yet never spoke to the sheristadar on the subject when he had an opportunity, says what is untrue, and says so in the interest of the party who will not even contemplate the possibility of his being a conspirator. Moreover, though the Nadan says he treated with Ragaviengar, the latter at first denied all

knowledge of a proposed compromise about it when confronted by the Nadan says that yes.

53. This Ragaviengar, in his ignorance, was certainly one of the utterers with a purpose, and I cannot say it was plainly to baffle the inquiry.

54. The sheristadar says the party denies this. It is a point of length. The enmity is said to have been generated by the opposition made by the sheristadar to Ragaviengar's appointment as manager of the Vadapathimangalam estate. - It appears, however, clear to me that this so-called opposition was no opposition at all, but the very mode of proceeding that was most calculated to secure the appointment for Ragaviengar. It was suggested to the Collector that the man "may not be equal to the work. The estate is a large one, and the manager must be competent and honest. The tahsildar may be told to take to such a suggestion would be that the tahsildar had enough to do, and that the individual named might be temporarily appointed. It is idle to say that this was opposition on the part of the sheristadar, especially when Ragaviengar's was the only name submitted, and when the recommendation came from the Deputy Collector, whose acquaintance with Ragaviengar commenced a month before in the sheristadar's bungalow. Ragaviengar lived in the sheristadar's bungalow opposite to his house, and is admitted to a seat in the sheristadar's carriage*. I find, therefore, that Ragaviengar, who is not shown to be in any way a friend to Narayanasami Nayudu, is an intimate friend to the sheristadar, and that it is fair to assume that his falsehoods are told in the sheristadar's favor, and that the truth would be damaging.

* Vide their statements.

55. I can see no other reason for which these men, the Nadan and Ragaviengar, should disguise the truth than that their stories, if told in full, would chime in with those of the other witnesses, and show that both the Nadan and Ragaviengar did have conversations with the sheristadar about the compromise, and so supply the link which now rests solely on the statement of Aiyasami.

56. With regard to the evidence of the 22nd witness, Subba Aiyer, I have already stated the argument used to discredit him. I must say, however, that I cannot discover any ground of enmity on his part towards the sheristadar; in fact, exhibits P₁ and P₂ point to the contrary of enmity between them. If he did make a statement in the form that Mr. Oliver professes to recollect, it is impossible to understand why he was not put into the witness-box in the civil suit, and why there was any necessity for summoning Krishnasami, from whom he now says he quoted. His absence from the box and the summons of Krishnasami are only explicable on the supposition that he now speaks the truth, and on the supposition that there is no conspiracy there cannot be any reason for him to lie.

57. On the whole of this case consequently I am of opinion that no ground has been shown for supposing that the Chetti's suit was the result of a conspiracy, and therefore I am also of opinion that there is no ground for supposing that the other witnesses, who have come forward to other points of the case, can be supposed to come forward as conspirators.

58. They are, therefore, each and all entitled to such credit as their position and means merit, and I hold that the evidence of the 3rd, 6th, 7th, 11th, 18th, 21st, 22nd, and 23rd witnesses, when taken with the statements made by the sheristadar in answer to Messrs. Branson and Branson, and when taken with the fact that the written statement in the suit does not say that there was no previous acquaintanceship between the parties, entirely establish the fact of this acquaintanceship, and as a consequence establish the fact that the sheristadar spoke falsely on this point in the District Court.

and would only consent to have some small part of the question "would you be surprised to propose a compromise to him, &c." subject craven demeanour and incessant plea of first witnesses I have ever seen. His lies were so that that purpose was in aid of a conspiracy. I hold to baffle it in favor of the sheristadar.

Ragaviengar was inimical to him and the opposite importance in the case, and should be given at importance generated by the opposition made by the sheristadar to Ragaviengar's appointment as manager of the Vadapathimangalam estate. - It appears, however, clear to me that this so-called opposition was no opposition at all, but the very mode of proceeding that was most calculated to secure the appointment for Ragaviengar. It was suggested to the Collector that the man "may not be equal to the work. The estate is a large one, and the manager must be competent and honest. The tahsildar may be told to take to such a suggestion would be that the tahsildar had enough to do, and that the individual named might be temporarily appointed. It is idle to say that this was opposition on the part of the sheristadar, especially when Ragaviengar's was the only name submitted, and when the recommendation came from the Deputy Collector, whose acquaintance with Ragaviengar commenced a month before in the sheristadar's bungalow. Ragaviengar lived in the sheristadar's bungalow opposite to his house, and is admitted to a seat in the sheristadar's carriage*. I find, therefore, that Ragaviengar, who is not shown to be in any way a friend to Narayanasami Nayudu, is an intimate friend to the sheristadar, and that it is fair to assume that his falsehoods are told in the sheristadar's favor, and that the truth would be damaging.

59. Also the arguments I have used are taken in conjunction with the statements of the 16th, 17th, 18th, 19th, 20th, and 23rd witnesses, the fact that there was an attempt to compromise one part and Ragaviengar acting for the sheristadar and at another time Aiyasami acting for the sheristadar.

60. With regard to the case made out for the least established that Krishnasami Jadow has in position he occupies in public, made statements and that this very much weakens his credit.

61. I do not think that the questioning to whether they could refresh their memories to an attempt to suborn evidence, for some recollections to them. The bills were, however, in such a way as to lead the Judge to inquire in counsel for the defence wishes now to make purpose, because, as I understand him, the except when he slept at Vallam, but were which the office returned from long circuit, and Krishnasami Jadow's statement, that he with the sheristadar after that date.

62. I can only say with regard to this case have been put forward in this way in the District Court the 12th, 13th, and 14th witnesses show that prove the alibi of the sheristadar.

63. All this very much weakens the alibi of the Judge, with these points before him, might, to the alibi. The Chetti plaintiff was clearly the light on these points, which the employees of a totally different kind have thrown.

64. With regard to the Nadiyam case, laid before the Collector representing that it was to convey a false impression for which the clerk who drafted it. The petition at Board's order was "Give the kudivaram to Chetti said, "I am the man in present possession of fact between himself and others who asse into this question and found the Chetti plaintiff Collector virtually put the opposing party in orders and oracularly quoting the formula of had either to get an order directing the Assistant the question of fact, or to take upon himself although he had been recognised as the petitioner that had been held at all. His failure to get the latter alternative, and he immediately raised

65. The result of my inquiry is that the all explained the appearances against him. appearances are largely magnified by what put forward by the opposite party seems in every respect, and to have shown that his unjustifiable kind in attempting to explain.

66. There now appears a possible mode of transaction between the parties in the shape of There appears to me to be no doubt that the sheristadar Gopalakrishna Pillai previously, and that the sheristadar denying his acquaintance with the Chetti.

There appears to be no doubt that the transaction passed between persons who were really acquainted

of the conspiracy, when the 8th, 9th, 10th, 11th, 15th, and 16th witnesses establish, in my opinion, the suit between the Chetti on the one part and the other part at one time, and at another time Aiyasami acting for the sheristadar.

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and there appears to me to
the District Court was unti

SALEM, 20th March 1884

ORDER—dated 10th May 1

Miscellaneous

No. 539, Miscellaneous, h
huzur sheristadar of Tanjore

2. The circumstances
enquiry should be held in
enquiry has not brought t
there were, between the she
suit; but has been chiefly c
and statements on oath p
conspiracy made by him. C
full. His conclusions are t
against certain officials of
sheristadar swore falsely i
that there are strong gro
District Court was untrue;
sides for a compromise of th
took place; and that the c
motive for pecuniary transa
conclusions appear to the
established by the evidence.

3. Had there been pr
and the Chetti, the dismissa
have been the least punishm
full facts have possibly no
though grounds for suspic
sufficient to warrant the dis
at compromise of the suit,
with the sheristadar's inno
corruption as corroborative

4. It remains that the
allowed to pass without no
ing to give explanations t
Had he completed service
As it is, he must be remov
allowed to continue to serv
to find for him, as soon a
and, in the mean time, h
and his post as sheristada

5. The Government
the transfer to a first-c
prejudice to his pensionar
ance of Rs. 100 per men
late Raja of Tanjore.

To the Board of Revenue.
" C. W. W. Martin, Esq.
" the Collector of Tanjore
" the Accountant-Genl.
Ed. F. R. Bandeman.

No. 626, REVENUE.

unds for believing that the alibi set up in

(Signed) C. W. W. MARTIN,
Acting Collector.

Revenue.

In the letter read above, Mr. C. W. W.
Martin reports the result of the enquiry
which, by G.O., 5th February 1884,
I to make regarding the conduct of the
Krishna Pillai.

The Government considered that a special
enquiry summarised in Mr. Martin's report. His
statements as to the original transactions, if such
Venkatachalam Chetti, the plaintiff in the
to ascertain the truth or otherwise of the defence
by the sheristadar; and of the charges of
conspiracy, Mr. Martin's report is very clear and
of conspiracy brought by the sheristadar
and others are entirely untrue; that the
previous acquaintance with the Chetti, and
that the alibi set up by him in the
relations between parties authorised on both
sides were denied by the sheristadar, undoubtedly
of the Nadiyam case supply a possible
between the plaintiff and the sheristadar. These
are the Governor in Council to be fully
put on record in the enquiry.

The transaction between the sheristadar
and from the service of Government would
not have been imposed. On this point, the
result of the enquiry is that,
sheristadar's integrity exist, they are not
relevant of so long standing. The attempts
made, are, taken by themselves, consistent
in respect, and could only have force to prove

been guilty of falsehood, which cannot be
taken with his insubordination in refus-
ing when called on, demand punishment.
If he would now be compulsorily retired
from his confidential post, and he cannot be
retained at Tanjore. The Board will take steps
to transfer him as a first-class tahsildar in another district;
and he will be placed under suspension from the service,
and his pension will be stopped.

The orders take note of the fact that though
there is no reduction of Government pay or
allowance, Gopalakrishna Pillai will lose the allow-
ance under the Receiver of the Estate of the

Extract.)

(Signed) H. E. STOKES,
Secretary to Government.

8-4-37.

Govt. of 1884 Madras.
REVENUE.

Issued

Recd.

Encl.

G.O., 10th May 1884, No. 626.

MAY.

T. Gopalakrishna Pillai, Sheristadar
of Tanjore.

Board of Revenue requested to find for — a
place as a first-class tahsildar in another district,
and, in the mean time, to consider him as under
suspension.

DEPARTMENT

125