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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	<u>563</u>	Press <u>Mis.</u>
Dated	<u>11-9-</u>	<u>1874.</u>

Not to be folded or roughly handled

1729

Proceedings of the Madras Government, Pension Department,
11th September 1874.

Read again Proceedings of Government, Pension Department, dated 3rd August 1870, No. 340.
Read also the following petition from Mr. Joseph Woolf :—

(Here enter 20th July 1874.)

ORDER THEREON, 11th September 1874, No. 563.

His Excellency the Governor in Council is pleased to sanction the revival of 20 Rupees per mensem of Mr. J. Woolf's pension as a compassionate allowance with effect from the date of this Order.

(True Extract.)

Acting Under Secy. to Govt.

To the Accountant-General,
„ Mr. J. Woolf.

Exd. A. S. Rodgers,

Offt. of 1874
 PENSION.
 To THE ACCOUNTANT-GENERAL,
 Dated September, 11th.
 Recd.
 G.O., 11th September 1874, No. 568.
 SEPTEMBER,
 Sanctioning the revival of Rupees 20 per mensem of Mr. J. Woolf's pension as a compassionate allowance.

2/26
 27/7/76
 3-24
 Received 20th July 1874

The Right Honorable Lord Hobart
 Governor in Council of Madras.
 The humble petition
 of Joseph Woolf
 Respectfully Sheweth

That your petitioner until
 the year 1870 was a Government Civil
 Assistant receiving Rupees 29-12-0 per
 mensem having previously served the
 Government for a period of 20 Years.
 This pension was enjoyed by your Lord

ship's humble petitioners from
 the 2^d May 1870 or for twelve years.

That in the latter year,
 your Lordship's humble petitioner,

to his great misfortune, became involved
in a pecuniary transaction with a pri-
vate individual, was tried in the Madras
High Court for criminal breach of trust
and sentenced to 18 months imprison-

ment. That it is needless at this distance
of time for your Lordship's humble petition-
er to justify to your Lordship his con-
duct in that affair - nor to take up
your Lordship's valuable time with any
defence.

That on his release
from imprisonment and on his applying
for the arrears of pension which had
accrued during the interval, he was
informed to his dismay that he had for-

feited his pension. Your Lordship's hum-
ble petitioner endeavored to recover the
same but without success.

That your Lordship's
petitioner begs to submit to your Lord-
ship's just and benign consideration
that in opposition to the well known re-
cognized principle of British justice, he
has been punished twice over for the
self same offence. Granted that your
Lordship's humble petitioner was rightly
convicted of his offence; for it, he has
deservedly shed and that severely. When
he came out of prison he had expiated
his guilt and the law which he was
held to have violated, was sufficiently

vindicat^d. But, in addition to this his
very bread as it were has been taken away
from his mouth, and your Lordships can
well be better able to conceive than in
your humble petitioner can describe
the shifts to which he has been put
for the past four years, to the extent of a
subsistence for himself and a daughter
now grown up. For a period of time
rendered to the Government distinct from
and in no way connected with the time
of the occurrence of the unfortunate cir-
cumstance above alluded to, a pension
of £100 per annum was granted by your Lordships
humble petitioner a life grant as a re-
ward for service actually rendered.

724
He throws himself on your
Lordships known sense of justice and
humanity and earnestly prays that your
Lordships will relieve his further mi-
series. As an addendum to the punish-
ment inflicted on him by Law he has
for a period of four years suffered
the loss of his pension. He humbly prays
that it may suffice, and that his pension
may be restored to him for the few re-
maining years of his life as with the increas-
ing infirmities of age he is unable to work
any longer for his support and that of the
daughter who is solely dependent on him. And
your Lordships humble petitioner
Shall ever Pray
I. Wolf.

22 July 1874
 General
 A. Murray
 Secy Secy
 Government
 Chief Secretary to
 Government
 (By order)

Pons: 3rd Aug 1870 No 340
 sentenced to 18 months
 imprisonment by
 the High Court; his
 pension was stopped,
 that on his release
 he applied for its
 revival in vain.

Represents that
 in having undergone
 imprisonment, he
 has atoned his guilt
 and the law, which
 he is said to have
 violated; that in
 addition to the punish-
 ment inflicted on
 him by law, he has
 for a period of four
 years, suffered the
 loss

Pension 1874 Deptt
 Government of Madras.

Pension DEPARTMENT.

Petition No. 2126 of 1874.

From Mr Joseph Wolf
 residing at

Occupation. No 492 A

Village. Poonamallee

Talook.

District.

Dated 20th July } 1874.
 Received 27th do }

Enclosures.

ABSTRACT.

States that on his
 being convicted of
 breach of trust and
 sentenced

loss of his pension; East. J. 28/2/73 N^o 418
 and that he is unable Pub. Sec. S.O. J. 5/12/72-
 to work in his declining age for the maintenance Let: to P. P. N^o 12723/72
 of himself and his daughter. Pub. S.O. J. 12/4/72 N^o 492

Prays, therefore,
 that his pension may
 be restored to him.

I dare that as a ^{man} which
 perished & required the
 pension - ^{in having} ~~the~~ ^{Second}
 the pr. ^{for} 20 years;
 and on the other hand
 the prefectures
 of the pension
 conflict with
 Regal ^{Principle}
 because it opens
 to a particular
 crime a punishment
 greater than the law
 allows. 24/8

From
 Dated 29 July 1874

FOR ORDERS.

E. L. C. 14th May 58
 No 153.

I should be in-
 clined to give
 him 15 or 20 L.
 as satisfaction
 in charitable funds.
 It is, I think, de-
 sirable to main-
 tain the principle
 that a public pension
 must

In May 158. Mr.
 Joseph Woolf of the Her-
 bert Anderson's establishment
 was granted a pension
 of No 29-12-0 per annum
 after a service of 20 years.
 Twelve years afterwards
 i.e. in 170 he was convicted
 of criminal breach of
 trust & cheating & was
 sentenced to fifteen
 months rigorous
 imprisonment by the
 Court

High Court.

In learning
this the Government
cancelled his pension.

G.O. 3rd Aug^r 70
No: 340. Pres Dep.

In 72 he applied
to have his pension
restored but his
request was refused.

must not be all
the same every one
is not a pot. servant.

He then appealed
to the Sec: of State
who directed the
Advocate General's
opinion to be taken
as to whether a
pension granted for
long service can be
legally declared by
a Government to be
forfeited on account
of misconduct of the
kind the memorialist

had Mr. W. been
in office, his con-
viction would have
entailed his
dismissal!
Dep. Sec. of State
d: 6 June 72
Certainly; because
Govt cannot afford
to keep bad characters

+ See in G.O. 31st July 72
No 865.

Dep. Sec. of State
d: 30th Oct 72.

in its service
to regard Pearson,
the case is different.
and I confess I think
that, having pensioned
a man for 20 years
good service, the
pension ought not to
be withdrawn because
he commits a crime.
The crime does not
prevent his having

has been convicted
The Advocate General
having replied in the
affirmative the Sec: of
State refused to interfere
in Mr. Wolf's favor.

Mr. Woolfson.
comes up again &
appeals ad misericordiam
for the restoration of his
pension.
Orders are requested
as to whether any hope
of its future restoration
in whole or in part
may be held out to
him.
He was 41 years of age
in 58.
His offence consisted
in appropriating to his own
use sums of money by
a party to a suit for passport
prevent his having

of certain institution
 fees & in applying to
 another purpose certain
 documents submitted
 to him with a view
 to their being filed
 in court."

See

The Government have
 more than once decli-
 ned to reconsider their
 original determination.
 The result to Petitioner has
 been that besides the puni-
 shment inflicted by the
 High Court (18 months rig-
 orous imprisonment) he
 has lost about Rs 1450 the
 amount of his pension up
 to date from date of convic-
 tion.

It has nowhere been laid
 down that a pension must
 be forfeited on conviction for
 crime. Paragraph 16 Chap. 20
 Civil Auditor's Manual which
 was quoted when the case was
 first reported in 1870 says that
 "Pensioners... who fail in their
 duty & govt are liable to sustain
 a forfeiture of the whole or part."

This Gov: Despatch
 (forwarding Mr. Moff's
 Memorial) of 12/72
 d: 28th April 72.

For 1872

Mr J. Moff's
 Application for the
 restoration of his
 Pension

"of their pensions according
 to the degree of their offence"
 The present rule is (see 89 Civil
 Pension Code) "Future good con-
 duct is an implied condition
 of every grant of pension. The
 Govt reserves to itself the right
 of withholding a pension if the
 pensioner be convicted of a crime"

qll

Donor Hunt,
 Raj Sir Purna

C21/8/74 R203 CJP. 563/74

17-24
 He revised
 The man was convicted of
 down right swindling - a State pen-
 - sion is contingent - on good be-
 - haviour and has been prob-
 - ly after consideration of the
 Sec: of State. The Pet. impugnes the
 principle on which this forfeiture
 proceeds. He says that Law &
 practice & the consequence
 one of those indirect results of
 Law-breaking which contribute
 to the growth of robbery.
 26/5/07 162

Pension Departt.
Proceedings of the Madras Govt.
Read against Pros. of Govt Pension
Departt dated 3rd August 1874 No. 260

Read also the following:-
Petition from Mr. Joseph Woolf
(Here enter 20th July 1874)

Order thereon 11th Sept 74
No 568.
H.E. the Gov. in Council
is pleased to sanction
the revival of 20 Rs
per annum from
J. Woolf's pension
as a compassionate
allowance with
effect from the 1st Jan
date of this order

To the Accountant General
& Woolf Decd 21/9/74

List from
order in Council
4/9/74

Done

21/1/80

Pension 3^d Aug 1870

Rs 340

17-2-85

18/4/85

14-10-93

3-2-94

8-11-00

25/10/05

Govt. of 1874 Madras.

Pension

To the Accountant General

G. O. 11th September, 1874, No. 563.

Nos.

Sanctioning the payment
of Rupees 20 per mensem
of Mr. F. Wolf's
pension as a compensation
allowance.