M.R.O. 1—99,000—16-10-52.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 454 Press ~~Mis~~

Dated 19-7- ~~1838~~

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No. 20. From C. BEADON, Esq., Secretary to the Government of India; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 29th June 1858, No. 1007.

SIR,

With reference to my letter, No. 1010, dated the 10th July 1857, forwarding a Proclamation of the same date, in the last paragraph whereof it was declared that "every Pensioner of the Go-"vernment who conceals or harbours any person whom he knows or has reason to believe to have "been guilty of mutiny or desertion or of waging war against the Government, or of seducing or "attempting to seduce any Officer or Soldier from his allegiance or duty, or who fails to do his "utmost to secure the apprehension and conviction of such offender, or who neglects to give "immediate notice to the Civil or Military Authorities of any mutinous or rebellious designs of "which he may become cognizant, will, in addition to the punishment to which he is liable by law, "forfeit his Pension," and with reference to the G. O. G. G. No. 1514 of the 1st December last, issued from the Military Department, directing the convening of Committees to enquire into the conduct of all Male Pensioners who may fail to prefer their claims within the prescribed time, or who may be supposed to have been within the circle of mutinous influences, for the purpose of determining whether the conduct of such Pensioners has been such as to call for a forfeiture of their Pensions, I am directed to transmit the accompanying copy of an Extract, No. 1435, dated the 25th Instant, from the Proceedings of the Government of India, in the Military Department, and to call the attention of the Government of Fort Saint George, to paragraph 5 of the letter to the Adjutant General of the Army therein contained, in order that Committees may in all cases when convened under the General Orders above adverted to, be constituted as regards their Members in accordance with the desire of the Honorable the President in Council as expressed in that paragraph.

No. 1435.

Extract from the Proceedings of the Honorable the President of the Council of India in Council, in the Military Department, under date the 25th June 1858.

From Major F. D. ATKINSON, Officiating Secretary to the Government of India, in the Military Department; to the Adjutant General of the Army, dated Fort William, the 25th June 1858, No. 1434.

Military Dept. SIR,

The Proceeding of certain Committees assembled at Dinapore under the operation of Government General Order, No. 1514 of the 1st December last, to institute enquiry and to record their opinion on the conduct of the Native Pensioners of the Dinapore Circle, having been submitted for the consideration of Government, I am directed to acquaint you, for the information of His Excellency the Commander-in-Chief, that the Proceedings in question fail to show on what grounds the Committees have arrived at their conclusions, and that it is therefore out of the power of the Honorable the President in Council to come to a satisfactory decision on the several cases.

2. It will be seen by these Proceedings (herewith transmitted) that the grounds for recommending a forfeiture of Pension are stated to be simply "has done nothing loyal" or "has shown no loyalty." But it is not stated that the Pensioner had no opportunity of doing a loyal act, or of showing loyalty.

3. The Government General Order, No. 1514 of 1st December, declares that Pensioners who "fail to establish a reasonable ground for believing that they have not only not joined in the rebellion, but that they have, according to their opportunities, taken part with the Government, shall forfeit their Pensions."

4. From the several Proceedings submitted, it is doubtful whether the words "according to their opportunities taken part with the Government," may not have been misunderstood. The Honorable the President in Council desires that Committees may be informed that the meaning of the words is that a Pensioner who may succeed in establishing a reasonable ground for believing that he did not personally join in the rebellion, shall nevertheless forfeit his Pension if, having

had an opportunity of taking part with the Government he fails to show that he availed himself of that opportunity; but that it was not intended to strike off Pensioners not suspected of having taken part in the rebellion who did not take an active part with Government when they had an opportunity of doing so.

5. His Honor in Council is of opinion that all Committees to enquire into the conduct of Pensioners should be composed of selected Officers, well acquainted with the native character, and that a Civil Officer having the knowledge of the district (to be nominated by the Commissioner) should be a Member in all cases.

6. In every case it should be stated whether there is or is not reasonable ground for believing that the Pensioner did not join in the rebellion; and whenever that question is affirmed, it should be stated whether the Pensioner had or had not an opportunity of taking part with the Government; and if he had, whether he availed himself of it or not.

7. As it is impossible to decide on the cases which they have been submitted by the Dinapore Committee, the Honorable the President in Council has resolved that the conduct of the Pensioners of the Dinapore Circle, including those struck off in Government General Order No. 501 of 1858, shall be again enquired into by a Committee composed as above.

8. His Honor in Council is desirous that the true intent of the Government General Order in question should be carried fairly into execution. The intention is to throw the burthen of establishing a reasonable ground of belief in his loyalty upon the Pensioner, but not to require of him what is impossible or unreasonable.

Ordered, that a copy of the foregoing be forwarded to the Home Department for information, and further orders with reference to paragraph 5.

(True Extract.)
(Signed) F. D. ATKINSON, MAJOR,
Offg. Secy. to the Govt. of India in the Military Department.

(True Copy.)
(Signed) R. B. CHAPMAIN,
Under Secy. to the Govt. of India.

No. 21.

ORDER THEREON, No. 454; dated 19th July 1858.

Ordered to be communicated to the Military Department, with reference to para: 2 of Extract Minutes of Consultation, dated 24th July 1857, No. 577.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

Political Department

No 14 of 1858.

Our Governor General of India in Council

1 We now reply to your Letter, No 77, in the Foreign Department dated the 24th of December 1857, respecting the claims of Khai Kosroo Dorabjee the grandson and adopted son of the late Dorabjee Cursetjee, a Parsee Merchant to whom had been assigned a pension of 300 Rupees per Annum in consideration of Services rendered by him during the Coorg Campaign

2 The assignment was granted for the lives of the original grantee and of his son. The former however, died without surviving issue, and the present claimant petitioned the Government of Madras for a continuation of the grant. That Government referred the Petitioner to you, and you have now forwarded the petition for our consideration, remarking "There seems to be no reason for interfering with the order passed by the Madras Government which appears to be in strict conformity with the conditions laid down by your Honble Court. If however" you add, "in consideration of the service rendered by Dorabjee Cursetjee, and our

...view also of the importance at the present time
...of showing to the Natives of India that the
British Government is never unmindful of its
favors towards those who have been distin-
guished by loyalty and good service upon which
...court should be disposed to view the Petitioners case
favorably, we would recommend that as Dorabjee
Cursetjee has left no son to succeed him the
adopted son might be permitted, as an act
of grace and favor, to benefit by the bounty
of the Government for the term of his life.

In the opinion here expressed of
the expediency of maintaining by every possible
means, our reputation for liberality to ... to
those who have rendered us good service, we entirely concur; and although we are likely to have
many claims of this character urged upon us,
on the score of recent service, at a time too,
when there is an unprecedented strain upon
our diminished resources, we are still willing
to take a liberal view of such cases as that now
before us, where the claim is based upon acts of
loyalty and devotion towards our Government
performed at a more remote period. We there-
fore taking into consideration the fact that
the original grant was made in the con-
templation of the probability of its being
held

held during two lives, sanction its continuance
to the adopted son of Dorabjee Cursetjee &
under the distinct understanding that it is to
cease absolutely at his death, and, without the
option granted to Dorabjee Cursetjee of having
it converted into an assignment of land.

We are &c.
(Sd) F. Currie
(Sd) W. L. Eastwick and
8 other Directors.

London
1st April 1858.

True Copy

(Sd) W. Kaye

Offg. Under Secy. to the Govt. of India.

Nov 1851

Edward [illegible] to com-
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No. 22-28
28 Jan 1857
Ans 27 Jan 57

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