

(1) பக்கங்களின் எண்ணிக்கை 8 8

(2) புதிதில் திருப்பிய நாள்

(3) ஆதாரக் குறிப்பைக் கருக்கொடுப்பதில்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பெரிய இலா

அரசாணை எண்.
மு. கோப்புத் தாள் எண்.

668

அச்சகம்
பலவகை

நாள் :

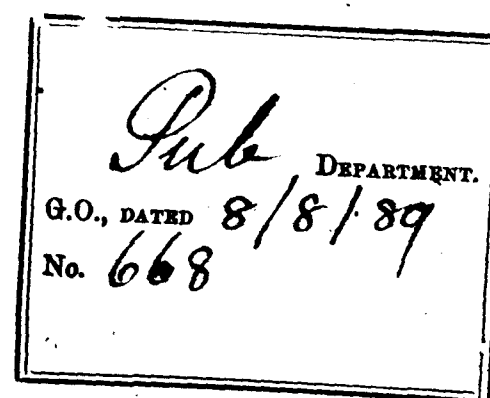
8 8 1889

199

மேல்க்கலை துறையின் கையாணலுக்கு உட்பட்டது.

ஆவண - கா. 1 - 18.000 - 69-90.

ORDINARY, MS.



When given for copying 12/8

[Despatch Abstract.]

*Informing petitioners
 Mir Saïyid Ali that
 his services were dis-
 pensed with on account
 of reckless borrowing
 & that the order cannot
 be re-considered.*

SECRETARY
24 JUL 89
GOVERNMENT OF MADRAS

His Excellency
The Right Honorable The Governor
in Council
Fort Saint George
Ootacamund.

May it please Your Excellency.

The memorialist begs to bring the following lines to your Excellency's notice and prays that due consideration be paid to the matter and justice done to him.

2. That the memorialist held the office of a Clerk and was acting as an interpreter in the Presidency Magistrates' Court, Egmore, Madras. On the 17th day of December 1888 he filed his Schedule in the Insolvent Court and was suspended in accordance with G. O. No. 781 (Public) dated 7th Jan 1889 till the 18th March 1889. In the meantime he obtained his discharge on 11th February 1889 in the said Insolvent Court and a report of the case was submitted by the Chief Presidency Magistrate to Government in his letter No. 33 dated 27th February 1889 to the Chief Secretary. Thereupon the Government was pleased to sanction the dispensation with of the memorialist's services - without however hearing the memorialist or asking him to show reason why he should not be dismissed from public service on the grounds stated by the Chief Presidency Magistrate.

3. The Chief Magistrate was apprised by the memorialist before his Schedule was filed and then through his then manager it was orally conveyed to the memorialist that his report would be sent to the Government for obtaining a decision.

4. The memorialist applied to the Chief Magistrate to furnish him with a copy of the report he made to Government. This was granted and he received it on the 18th July 1889. From the context of it the memorialist cannot understand why Col. Smith "cannot recommend his retention in the service". There are no specific grounds stated by this gentleman still the Government was their order, no. 265 dated 18th March 1889, Public Department, in the following strain:-

"In the circumstances stated &c.:"

5. So far as the memorialist can see there appears to be no ground upon which Col. Smith bases his knowledge of the memorialist's character or conduct, unless it were that the memorialist was, sometime previous to this report, charged under a local Act, viz. Act of 1888 / City Police / and put before Col. Smith for gauging which was the alleged charge made against him by the Police. Col. Smith, thinking it improper and unsafe for him to try the case, transferred it to the file of Mr. Maskell - the then Acting Senior Magistrate of the Town Court. which gentleman having tried the case very minutely acquitted the memorialist and the others concerned. If this was the only thing which lowered the memorialist in Col. Smith's estimation, why was not the memorialist's misconduct taken notice of immediately and no tantamount measures taken for punishing him? Why was the memorialist allowed to continue to act as interpreter from the date of his acquittal to the day he filed his Schedule - altogether about a month in duration?

6. Here the memorialist takes the opportunity of mentioning that the Police and himself were not, and still are not, on friendly terms since his appeal against the Head of the City Police in 1886, vide G.O. no. 2978, dated 4th November 1886 Judicial Department. Col. Smith, however, on perusing the evidence adduced by the Police, who one and all, were more or less interested in securing a conviction, believes the memorialist to be guilty of the charge with which he was arraigned. He does not think it possible that the Police were concocting on the evidence.

Col. Smith's own words report

3. Contrary to the Police were entitled to a portion of the fines and forfeitures as their reward as provided by the said Act, and that the case might be a conviction, since Col. Smith full well knew that there was an appeal made by the memorialist against Col. Weldon, the then Commissioner of Police - consequent upon which Col. Weldon became possessed of rancorous feelings against the memorialist and his family. These feelings were manifested in the removal by Col. Weldon of the memorialist's brother (Muhammad Abdullah Husain) the late Manager of the Office of the Commissioner of Police, from his Office. and ever since Col. Weldon cherished unpleasant feelings against the memorialist [this fact was not at all hinted at during the proceedings of the case solely through the advice of the memorialist's legal adviser as he thought that it would prolong the trial if at all mentioned in the course of the hearing]. Now the memorialist asks the public in general, to answer from their common sense, whether it was not possible that the Police brought such a false charge against the memorialist, from pure motives other than just ones, as it is possible (according to Col. Smith's presumption) that the charge was a true one. From Mr. Maskell's benevolent discretion will answer the query better than any other individuals. Apart from these possibilities and presumptions - Why should Col. Smith construe the matter in this light at all when there was a competent Magistrate like himself (Mr. Maskell - a barrister - at law, and hence better able than Col. Smith to understand the points of law) who was chosen by himself to try the case and who accordingly tried it and expressed his opinion thereon pronouncing judgment whereby he acquitted the memorialist and others concerned? It took Mr. Maskell six whole days to try the case and to come to a final find which proved favorable to the memorialist. Of course, there may be a difference of opinion between Smith and Mr. Maskell's findings. But this difference does not, in any way, authorize the Chief Magistrate to be of a positive opinion in the Police as to believe them while the other the trying Magistrate believes the contrary. Col. Smith does not know the facts as are provided.

ing, and the same spoken in and many such other things observed by the hearing Magistrate while the witnesses are in the course of giving evidence, by relating the facts of the case, and hence cannot arrive at any positive conclusion regarding it as he seems to have done in the memorialist's unfortunate case.

It surprises the memorialist very much to think that if there be no justice found in a person like Col. Smith who dispenses it as a Magistrate where else can it be sought? and the memorialist prays that the Government will, with an impartial eye, as held by many a just dispenser of "Justice" treat the memorialist's complaint with "Real Justice". But if it be otherwise held as the proverb says "Right is the Right" the memorialist has no remedy.

7. The brief points of this criminal case are as follow:—

That there was a concert to be held at a certain house and the memorialist went there with a friend of his to enjoy himself, but unfortunately, all of a sudden the Police rushed into the house with a warrant, and there was a pack of cards in the house; the Police arrested one and all present, searched their persons, and took charge of every money they were possessed of. The Police however tried to magnify the charge, not being contented with having found a pack of cards (which they called the instruments of gaming) by introducing some dice and Tamarind seeds, in the course of their search, from their own persons. Such seeds are described in the local Act as articles of gaming. The house belongs to a professional dancing girl and the time of the arrest was about 10 O'clock.

5. live and where there exists a possibility, as Col. Smith thinks, on the part of the Police, why should not a similar thing exist on the other side? since "nothing is impossible".

9. Your memorialist's Schedule disclosed that he has been rendered more a victim of circumstances attendant upon the death of his father, than a willing error and by his dismissal became an utter bankrupt by not being able to pay the amount of Rs 57 a month into the Official Assignee's Office towards the liquidation of his debt, as directed by the said Honorable Court of Insolvent Debtors.

10. Lastly your memorialist prays that the matter may be viewed with a deep and close consideration and orders passed for his restoration to his former appointment or any other appointment within the Government of the Presidency carrying an adequate salary. Having lost his appointment in his native land, he came down to Hyderabad, where, though with his fair knowledge of English and the vernaculars, he experienced far more difficulties than in Madras in obtaining employment. Because there are too many reduced hands in His Highness's Dominions who in accordance with an order of the State have to be preferred to him.

Your Excellency's memorialist shall, as dutifully bound, ever pray for Your Excellency's family's health, wealth, long life and prosper.

Yr Sd^t Sir

Cowlegoodah,
Hyderabad, Decem
1880

BACK PAPER, No.

OF 188

FURTHER PAPER, No.

OF 188

READ AGAIN ORDER OF GOVERNMENT, DATED
188, No. , MISCELLANEOUS.

From

Mr. Sandlin
Lake Clark
Post maybe 10
Grove

Rest
I
7/8

C. 2345
8 Aug/89 No 668
Water - 6 Aug/89

The pete will be informed
that his condition is
deteriorated with a view
to the useless burning
disorder of his whole body
the order cannot be considered

8
5 Aug 7/8

DE STATION
The note
C. 2345
12/8

CURRENT No. 2349

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL (not paged).

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Aug 22 }
Rec 24 } July 1889

Praying that he may be
reinstated in his apt. or
apt. to any other post
carrying an adequate
salary