M.R.O. 14—10,000—21-4-22

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1770 — Press / Mis.

49.50

Dated 6-9- 1861.

***Not to be folded or roughly handled***

No. 49. Read the following Petition from SOOBBIAH MUSHRUFF, North Arcot Collectorate, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 19th August 1861 :—

The humble Petition of Soobbiah, Mushruff in the Yaumia Department in the Office of North Arcot Collectorate.

HONORED SIR,

I beg leave to forward herewith a Memorial in triplicate to the address of the Honorable the Secretary of State for India, and humbly beg that you will have the goodness to obtain the order of the Honorable the Governor in Council, and transmit the same to Home Government.

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No. 50. ORDER THEREON, 6th September 1861, No. 1,770.

Ordered that the Memorial received with the foregoing letter be forwarded to the Home Authorities, and that an intimation of its Despatch be given to the Memorialist.

(Signed) C. G. MASTER,
*Deputy Secretary to Government.*

TO

THE RIGHT HONORABLE

THE SECRETARY OF STATE FOR INDIA.

*The humble Memorial of* SOOBBIAH, *late Yomiah Mooshruff in the Office of the Collector of North Arcot.*

HUMBLY SHEWETH,

That your Memorialist begs to submit this, his appeal against the decision of the local authorities depriving him of the benefit of his long service of 31 years on frivolous grounds.

2. That your Petitioner is entitled to a pension but it is refused to him because the Collector entertains a *suspicion* of his implication in the Yomiah frauds lately discovered in the District.

3. That no individual ought to suffer for *mere suspicion* is a principle always maintained by the British Government, but in your Petitioner's case the suspicion which is made the ground of the decision of the local authorities is entertained, even after he has been fully acquitted by a competent Judicial tribunal (the Session Judge) after a searching investigation.

4. That your Petitioner (numbered 3 in the Calendar) with three others were committed to the Session Court for the Yomiah frauds in question—the Session Judge after a patient investigation, punished those that deserved punishment and unconditionally acquitted others of whom your Memorialist was one. The Sessions Judge remarked* also that your Memorialist was unnecessarily put to the indignity of even being committed.

* Vide Appendix A.

5. That another of the Prisoners (No. 4 in the Calendar) who was released similarly, was drawing a pension in the Military Department and has been allowed the continuance of his allowance because he has been legally acquitted, but your Memorialist is made to suffer great privation because the Collector cannot rid his mind of his suspicion and his *only* ground for such opinion is, that having been for several years in the Department your Memorialist could not have been ignorant of the frauds. Thus your Memorialist is made responsible for the guilt of other Servants in the Department.

6. That your Memorialist held a very subordinate position in the department and was no more than an Accountant and Register keeper. He had

nothing to do with the payment of Yomiahs for which the Yomiahdars who attested the life Certificates and the Yomiah Sudder and the Serastadars who passed the payments preparatory to the Collector's orders were alone responsible. That such is the case will be proved by a report submitted to the Board by the Collector.

7. That your Memorialist has given an unexaggerated account of his Case will be evident from a perusal of the Appendixes noted in the margin and your Memorialist begs that that justice which has been denied to him by the local authorities may be afforded to him by Her Majesty's Government in England by ordering the grant of a pension to which he is entitled according to the Rules and for this act of charity, your Memorialist as in duty bound

A. Decision of the Session Judge.
B. Petition to the Board of Revenue dated 21st August 1860.
C. Endorsement of the Board dated 3rd September 1860.
D. Report of the Acting Collector dated 29th September 1860.
E. Endorsement of the Board dated 17th October 1860.
F. Petition to Govt. dated 3rd Nov. 1860.
G. Endorsement of Govt. dated 12th December 1860.

19th *August* 1861.

Shall Ever Pray.



# APPENDIX.

## A.

### CHITTUR SESSION COURT.

CALENDER NO. 73 OF 1860.

| PROSECUTOR. | PRISONERS. |
|---|---|
| Regina. | 1 Mohomed Habibullah, Yeomiah Sudr. |
| | 2 Subbiah, Mushreeff. |
| | 3 Namasevaya Modeli, Head Clerk. |
| | 4 Syed Hamid, Pensioned Sepoy. |

The 1st, 2nd, and 3rd prisoners are charged with having on the 21st May 1859 in the town of Chittúr, while holding responsible offices in the Katcheri of the Collector of Chittúr wilfully and knowingly neglected and abused their duty by passing or causing to be passed with their signatures an order to the Treasury of the said Collector to pay to 4th prisoner without lawful authority a sum of Rupees 635-1-3 in the name of a Female Pensioner Mahasahiba Bíbí, No. 629, in direct opposition to the power of attorney granted by her to a different person named Gulam Hussun and thus defrauded the Government and the Pensioner of the said sum of money.

2nd Count.—The 3rd prisoner is further charged with having on the 23rd May 1859 in the Town of Chittúr, whilst *holding temporary charge* of the said Treasury paid the aforementioned sum of Rupees 635-1-3 to 4th Prisoner by virtue of the said order and in direct opposition to the Rule laid down in the order No. 128, dated 26th August 1857 from the Collector of Chittúr which strictly prohibited all payments from the Treasury *after* the 20th of the month and which by virtue of his Office he was required to attend to.

4th prisoner with having on the 23rd May 1859 in the Town of Chittúr appeared under false pretences on behalf of the said Pensioner Mahasahiba Bíbí without lawful authority and drawn from the Treasury the aforementioned sum of Rupees 635-1-3 thereby defrauding the Government and the Pensioner.

REMARKS.

1. The Prisoners plead not guilty.

2. The Mohomedan Law Officer acquits them of the crime charged.

3. It is clear that there can be no conviction in this case for the party so deeply interested in it, the female pensioner Mahasahiba Beebee has testified that she executed a Vakalatnamah to the 4th Prisoner and received from him the full sum due to her. She was examined under the Provisions of Section XVI, Regulation VII of 1802.

4. But for the following reasons I am of opinion that very grave suspicion of the fraud here charged rests upon the 1st and 4th Prisoners.

5. The said Pensioner had been previously examined by the Deputy Magistrate but her statements not being sufficiently full and clear led to her re-examination; and a consideration of her two statements affords ample grounds for an indictment for perjury being laid against her and the Acting Sub Judge will be instructed accordingly. In her former statement she denied having executed a Vakalatnamah to the 4th prisoner and mentioned having received only a portion of the arrears of Pension which were due to her and for which she had granted a power of attorney to the 5th witness. The 4th and 5th witnesses certify to the said female having so acted, and the former who is that woman's nearest relation affirms that she never gave a Vacalut to the 4th prisoner and that both he and his half sister

are unacquainted with him. From his further statement (which is partly confirmed by that given by his relation before the Deputy Magistrate) it would appear that one Poondy Abdool Kadar got the money due to his relation from the Katcheri but not on his sister's authorization and only paid her a portion and this not till witness had complained to the Kazi of Arcot the remainder having been spent, according to Poondy Abdool Káder's statement, for expenses of Sircar people.

6. The Vakalat A. was presented by the 5th witness to the 1st prisoner who declined to accept it because the 5th witness was not in the receipt of so much pension as entitled him to appear for the said female. The 5th witness left the power of attorney with 1st prisoner. It is proved to have been subsequently discovered in the 1st prisoner's dufter with the 5th witness's name erased. It is also in evidence that no Vakalatnamah in the 4th prisoner's name is forthcoming among the records of the Yeomiah department and that both the 1st and 4th prisoners who were examined by the Deputy Magistrate (depositions marked C and F) only referred to the Vakalatnamah A as the one under which the said Pensioner's money had been drawn, the former stating that through oversight he had signed the order for payment of the money in 4th prisoner's name.

7. Then there are on record several letters to the address of the Kazi of Arcot (Nos. 2 to 7, 9, 10 12 and 28) which the 1st prisoner is proved to have acknowledged to be his own (Deposition marked F) before the Deputy Magistrate. They show incontestably that the 1st prisoner has been engaged in a systematic system of fraud in the matter of these pension payments. The aforesaid Poondy Abdoolkader's name is so introduced in those letters as to show that he was an assisting party to the 1st prisoner's proceedings.

8. I am of opinion that there were no grounds for including the 2nd and 3rd prisoners in this charge. Their initials are affixed to the payment list No. 13, but evidence is wanting to connect them with the fraud. The mere circumstance of their initials having been affixed thereto does not of itself afford presumptive proof of their guilt and for all that appears to the contrary they may have been so affixed on the strength of the 1st prisoner the head of the Department having attested it, and in all good faith. Judging by the evidence which the 3d prisoner has offered, it would seem that his attestation is only affixed in confirmation of the correctness of the account. The order for the payment of the money was signed by the Collector Mr. Whittingham on the 21st May and it was disbursed on the 23rd, and notwithstanding the existence of an order against payment being made after the 20th of the month it is clear that there have been exceptions to the rule.

9. In defence the Prisoners deny the charge. The 2nd and 3rd prisoners called witnesses to show their non-responsibility in the preparation of the payment list. The 4th prisoner cited witnesses to prove that Mahasahiba Beebee gave him a power of attorney and a receipt for the money. The former were examined, but their statements are not trustworthy in the face of the facts already recorded. It was not considered necessary to examine witnesses to the receipt.

10. The 2nd and 3rd prisoners are acquitted and released. The 1st Prisoner is sentenced to find two securities in the sum of Rupees 500 each and the 4th prisoner two securities in the sum of Rupees 50 each, for their future good behaviour and appearance when required for the space of three (3) years and in default to be imprisoned for a like period. Clause sixth, Section II, Regulation XV of 1803.

(Signed) G. A. HARRIS,
*Session Judge.*

*24th March* 1860.

(True Copy.)

G. A. HARRIS,
*Session Judge.*

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# B.

TO

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE.

*The humble Petition of Soobiah, late Yomiya Mushrif in the Collector's Office, North Arcot.*

MOST RESPECTFULLY SHOWETH,

That after the faithful service of about 31 years in the office of the Collector of North Arcot as a Gumasta in the Yomiya Department, your Petitioner was committed to the Session Court of Chittur under the orders of the present Acting Collector Mr. Robinson on a charge of having aided in defrauding Government of money paid but not actually payable to certain Yomiyadars ; but that the Session Judge has acquitted your Petitioner altogether of the charge in the following terms ;—

Para. 8. " I am of opinion that there were no ground " for including the 2nd (Petitioner) and 3rd prisoner in the charge, evidence is wanting to connect them with the fraud.

10. " The 2nd and 3rd prisoners are acquitted and released." An attested Copy of the Session Judge's sentence is herein enclosed.

2. That your Petitioner after having been thus freely and legally acquitted of all blames by the Court applied to the Acting Collector to restore him to Office, or to recommend him for the grant of Pension,—but he refused to do either on no other ground than that your Petitioner having been usefully and conspicuously employed in the Department for several years, he cannot positively believe that your Petitioner was not cognizant if he did not actually participate in the frauds committed and that therefore he cannot rid his mind of suspicion about the purity of your petitioner's conduct ;—A copy of the Collector's order is enclosed.

3. That your Petitioner begs your Board will take into your consideration the injustice of Mr. Robinson depriving him of employment and the advantage of his long service merely because he cannot rid his mind of suspicion even after your Petitioner has undergone a searching trial before a duly constituted Tribunal presided over by Mr. Harris a gentleman known to be able and impartial and at the same time stern.

Mr. Robinson attempts to show in all his papers on the subject that he was the first Collector who has ever discovered the Yomiya frauds in the District. But your Board will be aware that much more extensive frauds were brought to light during Mr. Bourdillon's time, and it will be seen from his reports that the public servants rendered every assistance in bringing them to light, and your Petitioner was one of the servants employed in the Yomiya Department at that time also.

That your Petitioner humbly begs your Honorable Board will patiently consider all the circumstances connected with his case and order your Petitioner to be recommended for pension.

MADRAS,
*21st August*, 1860.

(Signed) SOOBIAH.

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# C.

Forwarded to the Acting Collector for report by Endorsement. The circumstances of Petitioner's case do not seem altogether identical with those of Namasivaya Mudelli's case reported on by the Acting Collector in his letter of 19th June 1860, though the two individuals were committed for trial on the same charge.

By Order,
W. HUDLESTON,
*Sub-Secretary.*

REVENUE BOARD OFFICE,
FORT ST. GEORGE,
*3rd September* 1860.

# D.

No. 2280 of 1860.

1. Petitioner Subia late Yeomia Mushraff, in my Office was dismissed from the service on grav suspicion of having been indirectly concerned in the frauds committed in the Yeomia Department c this Office in which he held a principal and responsible post. The circumstances of this case have bee already fully detailed in my letter of the 19th June last.

2. Although the evidence was not considered by the Sessions Judge of Chittúr sufficiently strong to establish Petitioner's guilt, there is yet in my mind so strong a presumption of his complicity in these frauds that I am unable conscientiously to recommend him for pension. Petitioner was the late Yeomia Sudr's immediate subordinate, and had been attached to that particular department for upwards of 31 years. I cannot therefore bring myself to believe that a gross and systematic conspiracy, such as that which has recently been brought to light, could have existed and succeeded in its object, without Petitioner's cognizance and participation.

North Arcot, Collector's Office,
Chittúr, *29th September* 1860.

(Signed) J. D. ROBINSON,
*Acting Collector.*

(True Copy).

W. HUDLESTON,
*Sub-Secretary.*

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# E.

No. 2280 of 1860.

Under the circumstances stated in the Collector's Endorsement dated 29th September 1860 of which copy is herewith furnished the Board see no reason to interfere on Petitioner's behalf.

Revenue Board Office, Fort St. George,
*17th October* 1860.

(By Order.)

W. HUDLESTON,
*Sub-Secretary.*

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# F.

To

J. D. Bourdillon, Esquire,
*Secretary to Government,*
&c. &c. &c.

Sir,—I, (Soobbiah, late Yomiah Musharriff in North Arcot) respectfully request your honor will submit this my appeal on the decision of the Board of Revenue confirming the order of the Acting Collector declining to recommend me for Pension for the favorable consideration of the Honorable the Governor in Council.

* Petition to Board of Revenue No. 2280.
Report of the Acting Collector on the Petition. Dated 29th September 1860.
Endorsement of the Board.
Sentence of the Session Judge.

Papers as per margin* are enclosed.

2. I was with several others committed to Court in connection with the Yomiah frauds recently discovered, but the Session Court fully acquitted me remarking clearly that there were no grounds for including me in the charge and that evidence is wanting to connect me with the fraud. Yet the Collector declines to recommend me for Pension and the Board decline to interfere because he Mr. Robinson cannot rid his mind of suspicion of my implication in the frauds indirectly,



3. I beg the Government will take into their consideration the injustice and hardship of depriving me in my old age of the benefit of my long service of 31 years on the mere ground of suspicion entertained by the Acting Collector even after I have undergone a full trial before a duly constituted Court presided over by one of the ablest Judges and was unconditionally released with remarks to show that I was unnecessarily put to the indignity of being committed.

4. After all what are the grounds of Mr. Robinson's suspicion; they are not based on any papers or evidence before him but from mere presumption that "having been the late Yomiah Sudr's immediate" subordinate and attached to that particular department for upwards of 31 years he cannot believe that I was not ignorant and did not participate in the frauds. Instead of my long and uninterrupted service in the same Department being taken to my credit as is always done, the Acting Collector uses the fact to my disadvantage. If the guilt of any one servant in an office is thus to be presumed as a ground for suspicion against the other servants, very few of even the most honest servants will escape disgrace. I respectfully beg under the circumstances the Honorable the Governor in Council will give their full consideration and grant me the Pension to which I am entitled under the rules.

I am, Sir,
Your Honor's most obedient Servant,

Madras,
*3rd November* 1860.

(Signed) SOOBIAH.

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# G.

No. 3313 of 1860.

The Government decline to accede to the request for pension put forward by Petitioner.

By Order,
C. G. MASTER,
*Dy. Secy. to Government.*

Fort St. George,
*12th December* 1860.

Copy in a Letter to Lieut. Aer 2021/61
of 6th Sept. 61 No. 108.

Sir &c.

Copy in a Letter to E.
of 6th Sept. 1861. No. 108.

War Department
Rec. of Govt for Sept.
No. 2021

From
Subbiah Mudaliar
North Arcot
Confederate

Dated 19th Aug. 1861
Received 21st "
1 Encl. 3 in triplicate

Requesting to transmit to the Home authorities his Memorial & Certificate praying for the grant of a Pension.

No 49 & 50.

With an order
No. 1770. 6. Sept.

No. 1770

Ordered that the Memorialist
received with the foregoing Letter
be forwarded to the Home Authori-
ties and that an intimation
of its despatch be given to the
Memorialist.

Fort St George
6th September 1861

E. M.

E. 3rd Sept. R. 5th