No. 4233 O

Govt. of 1869 Madras.

JUDICIAL.

To

THE REVENUE DEPARTMENT.

&c., &c., &c.

Dated December, 11th.

Recd. " - 16th 2nd.

G. O., 11th December 1869, No. 1961.

RECORDED.
Nos. 62-63.

Pending orders on the Advocate-General's report of the cases prosecuted by him at the recent session of the High Court.

No. 80 – 21 Decr /69

for the Order

From the Bd of Rev
14 March /70 – Chs 816.

No. 80.

~~Forwarded~~ to the Bd of Revue who will ascertain and report, whether any system of collection & check were prescribed when a Dy Collr was first appointed to the charge of the town and, if so, who is to blame for having allowed deviations from it, which have resulted in the large defalcations alluded to in the Advocate Gls letter.

To the Board of Rev 21st December /69

the following morning. The routine for payment was this. The Conicopillay brought to the Shroff a " Doti," or Remittance-roll, which he prepared himself, showing the number of the bills, and other particulars, together with the amounts, which he thereby charged himself with having received the day before, together with the money. If the Shroff found the total of the " Doti" and the cash tally, he initialed the Doti, received the money, and entered it in his cash-book, in a form corresponding with the " Doti." He then returned the Doti to the Conicopillay, and after going through various hands, the Doti was ultimately registered in the office. But inasmuch as the Conicopillay did not produce his other quit-rent bills, and as no comparison was made between those delivered to him and those remaining in his hands, together with the Dotis, it is manifest that the Conicopillies could keep out of the Dotis all mention of any bills and amounts collected on them, as suited their fancy. There was indeed a nominal check, by a three monthly inspection of the bills in the hands of the Conicopillies; but this was not followed in practice: but one examination having taken place in the year 1868, and one in 1869, previous to the investigation which led to the committal of the prisoners. And again, the inspection consisted of merely counting the bills; so that one Conicopillay could lend another as many as were necessary to make up his deficiency, receiving a similar complaisance when his own bills came to be examined.

10. How long this system has been carried on did not appear; but it was stated that the defalcation of the first prisoner alone amounted to 3000 rupees in, I think, 600 bills.

11. The prisoners practically admitted their guilt; for they stated that they received the money, but paid it to the Tahsildar, and one Narraina Charry, a Goomastah in the office; these gentlemen promising to fabricate bills, to make up the deficiency, in time to prevent detection. In fact, the prisoners did not appear so much to desire their own acquittal, as to implicate their superiors in their own offences. Both these Officers were called, and on oath denied the allegation of the prisoners; and it is difficult to see how they could have covered the fraud by the means suggested; while it is pretty certain that the prisoners would not pay over at any rate the whole of their peculations, without receiving any benefit themselves.

12. However widely these frauds ramify, and however many may be concerned in them, it is perhaps not too much to say that no other system of so-called check could have been more fitted to suggest the temptation of fraud on the one hand, and facilitate its safe perpetration on the other.

No. 64. ORDER THEREON, 11th December 1869, No. 1961.

Ordered that Extracts from the foregoing Report be furnished to the Revenue and Military Departments.

(True Extract.)

Chief Secretary.

To the Revenue Department.
" Military do.
" Advocate-General.

Exd. J. Wright.

No. 63. Read the following letter from the Advocate-General, to the Chief Secretary to Government, Fort Saint George, dated Madras, 8th November 1869.

I have the honour to report, for the information of His Excellency the Governor in Council, that I appeared on behalf of the Crown at the fourth sessions, in the High Court, in the following cases, and that the several results are as below narrated.

2. In the case of the Queen *versus* William Gimson, charged with the murder of one Alexander Rodgers, and also with the minor offence of culpable homicide not amounting to murder, the prisoner, who was defended by Mr. Miller, was found guilty on the second count, and sentenced to ten years' rigorous imprisonment.

3. The prisoner and the deceased were Gunners in the Royal Artillery, quartered in the Fort. A discussion or dispute arose between them, while at breakfast; when the deceased rose and struck the prisoner a slight blow, a scuffle ensued, during which the prisoner, who had his regimental dinner knife in his hand, inflicted three wounds on his antagonist; one piercing the apex of the heart, a second one of the intestines, and the third, of minor importance, between the other two. The whole affair was over in about three seconds; there was certainly no premeditation; and the jury thinking that the provocation was so grave and sudden as to have deprived the prisoner of all self-control for the time being, acquitted him of the charge of murder, but found him, as above stated, guilty of culpable homicide not amounting to murder.

4. In the Queen *versus* Murtuza Hoossain, the prisoner was found guilty of fraudulently having two counterfeit rupees in his possession, with a guilty knowledge that they were counterfeit, at the time he became possessed of them.

5. The evidence was cogent and conclusive, and the prisoner was sentenced to twelve months' rigorous imprisonment.

6. The other four cases arose out of the frauds recently discovered in the office of the Sub-Collector of Madras. The prisoners, Govindoo Naidu, Sawmy Naidu, Ramanjaloo Naidu, and Ponoosawmy Moodelly, were separately indicted for criminal breaches of trust, they being public servants.

7. They were one and all found guilty on the clearest evidence, and severally sentenced, the first to three years, the second and fourth to two years, and the third to eighteen months' rigorous imprisonment.

8. As the Government will doubtless receive a full report of these cases, among others, from Mr. Leman, the Commissioner appointed to inquire into the frauds in this office, I will not fatigue His Excellency in Council by entering into any minute details.

9. But I cannot refrain from noticing the extraordinary laxity of the system under which such frauds were possible. There existed in fact no check to prevent these men, and the rest of the fifteen quit-rent Conicopillies, from putting as much of the collections as they pleased into their own pockets. Quit-rent bills after being signed by the Tahsildar, and entered in an Office Register, were delivered out to these men for collection. They entered them in books of their own; and then, accompanied each by a peon, went about collecting the quit-rent from the inhabitants of their districts. They were bound to pay in their collections either on the day of collection, or on