

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	241	Press ~~Mis.~~
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Dated	3 3	18 57.

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 3rd March 1857.

No. 13. Read the following Extract from the Minutes of Consultation in the Military Department, dated 24th January 1857, No. 278.

Read the following letter from the Deputy Adjutant General of the Army; to the Secretary to Government, Military Department, No. 55.

SIR,

Observing that the statements made by Lieutenant Shaw, late Adjutant of Malabar Police Corps, and those made by Major Haly its Commandant, are so conflicting that the matter can be effectually cleared up only by a Court of Inquiry, and requesting that a Court be assembled for that purpose.

Honorable the Governor in Council, the Proceedings of the Court of Inquiry therein directed to be assembled.

ADJUTANT GENERAL'S OFFICE,
FORT SAINT GEORGE,
23d January 1857.

I have &c.,
(Signed) F. S. GABB, Major,
Dy. Adjutant Genl. of the Army.

Extracts from Garrison Orders by Lieutenant Colonel G. M. Arthur, Commanding Cannanore, 23rd December 1856.

1. The following Provincial Order is published, Head Quarters, Malabar and Canara, Mangalore, 20th December 1856.

P. O. By Brigadier Thomson, Commanding.

A Court of Inquiry composed as follows, will assemble at Cannanore, at such time and place as the Officer Commanding that Station may be pleased to direct, for the purpose of investigating a subject which will be laid before it by the Fort Adjutant

PRESIDENT. Brevet Lieutenant Colonel Yarde, 3rd Regiment Light Infantry.

MEMBERS. { Captain McLeod, H. M.'s 74th Highlanders.
 { Captain Coleridge, 20th Regiment Native Infantry.

The Garrison of Cannanore will furnish an Interpreter to the Court.

The Proceedings when ready to be forwarded to the Brigade Office at Cannanore, and the Court to be considered as dissolved, and the same to be reported to the Fort Adjutant.

By Order.

(Signed) C. E. TAYLOR, Captain,
Ag. Brigade Major of Malabar and Canara.

Garrison After Order, 29th December 1856.

The following Provincial After Orders are published.

Brigade Office, Malabar and Canara, Cannanore, 29th December 1856.

P. A. O. By Brigadier Thomson, Commanding.

I. The Court of Inquiry convened in P. O. of the 20th Instant, and of which Brevet Lieutenant Colonel Yarde, of the 3rd Regiment P. L. I. is President, will assemble at 11 o'clock, A. M., to-morrow, at the Mess House of that Corps.

II. Major Haly, Commanding Malabar Police Corps, and Lieutenant Shaw, 39th Regiment N. I., having reported their arrival, will be good enough to attend at the above Court, to await the instructions of the President.

(By Order.)

(Signed) C. E. TAYLOR, Captain,
Ag. Brigade Major of Malabar and Canara.

Fort St. George, Judicial Consultation, 3rd March 1857.

Garrison Morning Order, 30th December 1856.

Agreeably to Provincial Orders of the 23rd Instant, the 3d Regiment L. I. will furnish the Interpreter, (if necessary,) to attend the Court of Inquiry, of which Lieutenant Colonel Yarde, 3rd Regiment L. I., is President.

(Signed) W. SNOW, Captain,
Fort Adjutant.

Proceedings of an European Court of Inquiry held at Cannanore on Tuesday the thirtieth day of December one thousand eight hundred and fifty-six, by order of Brigadier Patrick Thomson, Commanding the Provinces of Malabar and Canara, for the purpose of investigating a subject which will be laid before it by the Fort Adjutant.

PRESIDENT.

Major and Brevet Lieutenant Colonel WALTER GEORGE YARDE of the 3rd Regiment or Palamcottah Light Infantry.

MEMBERS.

Captain WILLIAM KETTY McLEOD of Her Majesty's Seventy-fourth Highland Regiment of Foot.

Captain WALTER COLERIDGE of the Twentieth Regiment of Native Infantry.

Captain JAMES KEATING of the Third Regiment or Palamcottah Light Infantry, Interpreter to the Court.

The Court having assembled pursuant to order, the President, Members, and Interpreter all present.

The order directing the Court's assembly is read.

Major George Thomas Haly, Commanding Malabar Police Corps, and Lieutenant David Shaw of the Thirty-ninth Regiment of Native Infantry, are called into Court.

A letter to the Officer Commanding Malabar and Canara, from the Deputy Assistant Adjutant General Mysore Division, No. 241, dated 24th November 1856, is read and attached.

Lieutenant David Shaw of the Thirty-ninth Regiment of Native Infantry, states as follows:

Statement.—Having no official records in my possession and although I endeavoured to obtain all the necessary information on the subject, which was refused me, I have only my memory to guide me. With regard to my forwarding on letters to Major Haly unopened, I refer the Court to a Regimental Order, published by Major Haly, previous to his leaving Malliappooram five; on or subsequent to that time, I received an official memorandum from Major Haly, relative to the forwarding on of letters. Having called for a copy of the memorandum, I was informed that it was not extant, but I hope to be able to prove that it was in existence.

Major Haly produces to the Court, the Regimental Order Book of the "Malabar Police Corps" and Lieutenant Shaw points out to the Court the Regimental Order in question, which is as follows:

"Malliappooram, 27th November 1855."

"The Commanding Officer being about to proceed on a tour, with the view of practically testing the Mountain Train, all reports, letters &c. will be forwarded to him via Mungerry, where intimation of his whereabouts will be found."

Question by the Court.—Did Major Haly take the draft letter book with him, on his departure from Malliappooram in December one thousand eight hundred and fifty-five?

Answer.—He took the draft letter book with him on his departure on the twenty-seventh November one thousand eight hundred and fifty-five.

Question by the Court.—Was that book returned to you, and when?

Answer.—I believe it was returned, but I do not remember on what date.

Fort St. George, Judicial Consultation, 3rd March 1857.

Question by the Court.—Do you remember ever having seen the draft letter book during Major Haly's absence?

Answer.—I do not recollect having seen it, but it may have been in possession at some period, but not from the twenty-seventh to thirtieth November, nor from the twelfth to the end of December.

Question by the Court.—You replied to certain official letters during Major Haly's absence, in what book did you enter them?

Answer.—I remember being obliged to make use of a separate draft letter book during Major Haly's absence.

Question by the Court.—What became of that book?

Answer.—I left it in the Office.

Question by the Court.—Did you make any application to Major Haly for the draft letter book, which you say he took with him to Coonoor?

Answer.—No, I did not.

Question by the Court.—In the official memorandum, you refer to, do you state positively that the word "unopened" was made use of or do you merely infer it, from the spirit of the memorandum?

Answer.—I cannot remember that the word "unopened" was made use of, but inferred it from the spirit of the memorandum; at the time my official letter was written to the Secretary for Government, I was under the impression that the word "unopened" was made use of in the memorandum.

Question by the Court.—Did you send all letters addressed to the "Officer Commanding Malabar Police Corps" to Major Haly unopened, during his absence on leave at Coonoor?

Answer.—I do not recollect having sent any addressed "Officer Commanding" unopened, but I remember having sent some "official letters" addressed to Major Haly, to him unopened.

Question by the Court.—What was your reason for opening some officials, and not all?

Answer.—To the best of my belief; I was directed in the memorandum referred to, to forward on official letters addressed to "Major Haly" unopened; those addressed to "Officer Commanding" I opened, and when they were of consequence, or required a reference, were then sent on to Major Haly.

Question by the Court.—Who was present when you received the memorandum in question?

Answer.—No one.

Question by the Court.—Was Major Haly's signature affixed to the memorandum?

Answer.—It was.

Letter No. 241, addressed to the Officer Commanding Malabar and Canara, from the Deputy Assistant Adjutant General, Mysore Division, is read to Major Haly, who states as follows:

Statement.—I have already stated in my representations to Government, the incorrectness of the statement made by Lieutenant Shaw, with reference to the draft letter book, and letters being sent unopened to me; and I further add that no official document was written or issued by me, when proceeding to the Hills in December one thousand eight hundred and fifty-five, to the effect that letters were to be sent unopened to me, I further deny that there was any unwillingness shewn by myself or the Adjutant of the "Malabar Police Corps" to have given Lieutenant Shaw all the information he asked for. Lieutenant Shaw did ask to have certain men of the Corps put upon their oath, which I refused to accede to, considering it to be irregular. I now beg to produce to the Court the letter book of the Corps, to prove that during December one thousand eight hundred and fifty-five, all official correspondence, arriving at Malliappooram was disposed of by Lieutenant Shaw, as Senior Officer at Head Quarters, with the exception of some referred to me by him. I did receive during December a couple of letters from the Brigade Office relative to Public Cattle, I answered those letters direct, but sent them to Lieutenant Shaw for his information and for record. I produced to the Court a memorandum taken from the records of the Corps, of all letters to the address of the Officer Commanding

Fort St. George, Judicial Consultation, 3rd March 1857.

Malabar Police Corps, which arrived during the month of December one thousand eight hundred and fifty-five (this document is marked G, and attached) and deny that any letters addressed officially to myself (Major Haly) were forwarded on to me (unopened) by Lieutenant Shaw during that month. I have already stated that I received letters *direct* from the Brigade Office; but this was caused by the Brigade Major having directed them to me at Coonoor.

Question by the Court.—Did you take the draft letter book in question with you on the twenty-seventh of November one thousand eight hundred and fifty-five, when you proceeded on a tour to test the Mountain Train?

Answer.—I did, and sent it back to Head Quarters from Wondoor, by Serjeant Williams on or about the thirtieth November, and it was in the Adjutant's Office on the first December, as will be seen by Lieutenant Shaw's own entry of letters on that date; and further, it will be seen by another letter (Letter Book produced) from Lieutenant Shaw dated twelfth December, No. 255, that Lieutenant Shaw forwarded to me the draft letter book and other documents, as requested by me, in a memorandum dated Coonoor, tenth December one thousand eight hundred and fifty-five.

Question by the Court.—Did you at any time during November one thousand eight hundred and fifty-five, give any order to Lieutenant Shaw to send on all letters "on service" to you unopened?

Answer.—Decidedly not—unopened; when proceeding on a tour of practical training on the twenty-seventh November one thousand eight hundred and fifty-five, I issued an order, directing all reports, letters &c. to be forwarded to me; but again on the thirtieth November, I issued another order, delivering over charge to Lieutenant Shaw and directing all reports to be made to him, as I was about to proceed next day on leave of absence (the order book is produced in corroboration of the above) and is signed by Lieutenant Shaw as Adjutant of the Corps.

Major Haly produces to the Court a letter from Lieutenant Cunningham of the third Regiment or Palamcottah Light Infantry, and further states—I will show that I was much annoyed, and did not expect letters to be forwarded to me, whilst on leave, consequently shewing whatever Lieutenant Shaw's opinion may have been with reference to the spirit of the official memorandum, which he states to have been issued by me (but of which I have already denied the existence) that I did not wish or intend all correspondence to be forwarded to me whilst on leave of absence. (This document is marked H, and attached.)

Question by Lieut. Shaw to Major Haly.—Did you at any time when you were on the Hills and when still on leave, issue any orders to me?

Answer.—I did.

Question by the Court.—Of what nature were these orders?

Answer.—They principally related (I think) to the interior economy and arrangements of the Corps, and I also think I ordered some promotions.

Question by Lieut. Shaw.—Did Major Haly not order me to detach a party to meet him at Wondoor on or about the twenty-ninth December one thousand eight hundred and fifty-five?

Answer.—I sent a memorandum to Lieutenant Shaw directing him to send out a party with the Mountain Train, with a view of further testing its efficiency, the portion taken with me in the end of November having been broken to pieces during the trial.

Question by Lieutenant Shaw.—On what date did Major Haly assume Command of the Corps on his return from leave in December one thousand eight hundred and fifty-five?

Answer.—On the twenty-ninth December, as appears by the Order book. The order was issued by me at Wondoor, on meeting the Mountain Train there.

Question by Lieutenant Shaw.—Major Haly states that the draft letter book was sent by me to him on the twelfth December to enable him to make a reference to a letter which I was either unable or unwilling to reply to; why was I also denied to send the Minutes of Consultation and other documents?

Answer.—With reference to the first part of the question it will be shown by a letter from Lieutenant Shaw, No. 250, dated 6th December 1855, that he forwarded on a letter from the Com-

Fort St. George, Judicial Consultation, 3rd March 1857.

missary of Ordnance at Cannanore, for me to afford the information called for, and further that Lieutenant Shaw states in the last para. of that letter, that he had called upon me for instructions with regard to the five and a half inch Mortars; I having left special instructions regarding their not being sent away without a reference to me, as it was then my intention to recommend their being kept at Malliaporam as a Battery.

With reference to the Minutes of Consultation, it will likewise be seen by a letter from Lieutenant Shaw, No. 255, dated 12th December 1855, that the documents were called for, with reference to Rifles and Arms; I having been called upon by Government to make a report regarding new Arms to be furnished to the Corps, and which I well knew Lieutenant Shaw could not have explained.

Question by Lieutenant Shaw.—When was the draft letter book returned to Malliaporam?

Answer.—I do not recollect.

It being four o'clock in the afternoon, the Court adjourns till eleven o'clock to-morrow forenoon.

Wednesday the thirty-first day of December one thousand eight hundred and fifty-six. The Court meet at eleven o'clock forenoon, pursuant to adjournment. President, Members, and Interpreter all present as on the day before.

Lieutenant Shaw hands into the Court a letter, bearing date Cannanore, 31st December 1856, addressed to the Court of Inquiry (This letter is marked I, and attached to the Proceedings.)

The letter having been read by the Court, they are of opinion that any further investigation is unnecessary, in consequence of the statement therein set forth.

(Signed) W. G. YARDE, Bt. Lt. Colonel,
3rd Light Infantry and President.

(Signed) W. K. McLEOD,
Captain 74th Highlanders.

(Signed) WALTER COLERIDGE, Captain,
20th Regiment Native Infantry.

I.

From
Lieutenant D. Shaw, 39th Regiment Native Infantry.

To
The President and Members of the Court of Inquiry.

GENTLEMEN,

I will not take up the time of the Court any further by summoning evidence from Malliaporam, but I hope that this statement explaining the error into which I have fallen may be attached to the Proceedings.

At the time I wrote to Mr. Pycroft, Chief Secretary to Government, stating that Major Haly had taken away the draft letter book on proceeding to the Hills in December 1855, I firmly and conscientiously believed that such was the fact. The Records now before the Court show that the draft letter book was in Major Haly's possession from 27th to 30th November 1855 and not in my hands from 12th to the end of December 1855. Major Haly's Regimental order dated 27th November ordering me to forward all letters, papers &c. via Munjerry where intimation of his whereabouts would be found and his order dated Coonoor, 10th December 1855, directing me to forward the draft letter book, Minutes of Consultation &c. and the fact of these Records not having been returned to me during his absence (nor did I receive charge of them on his return, as by that time I had obtained sick leave to the Hills) will I trust in some measure account for

Fort St. George, Judicial Consultation, 3rd March 1857.

the error of my assertion to Government that the draft letter book had been in Major Haly's possession the whole of the time viz., from 27th November till the end of December 1855. I made this statement to Government many months after I quitted Malliapooram, from which time I had had no access to, or copies of any Regimental Records. I had quite forgotten that the draft letter book had been in my possession from 1st to 12th December 1855. The order which now appears, dated 10th December, I firmly believed had been issued by Major Haly prior to his departure on the 27th November 1855. In Major Haly's Regimental order dated 27th November 1855, he directed me to forward all letters, papers &c., via Munjerry &c. This order as far as I am aware was never cancelled. I have every reason to believe that I did forward a letter from the Brigade Office to Major Haly unopened in the latter end of November 1855, and I afterwards learnt when on leave to the Hills that sundry letters had been sent to Major Haly in December from the Brigade Office which I had never seen. I am positive as to this for when the contents of these letters were mentioned to me the subjects were strange to me and it would now appear that these letters were the ones sent direct to Major Haly; when I wrote to Government I naturally concluded that these letters have passed through my hands and firmly believed that they had done so, but till yesterday I was not aware that any letters had been sent direct to Major Haly to Coonoor. This, coupled with my recollection of the memo., confirmed me in the belief that I had complied with Major Haly's orders in forwarding letters unopened.

With regard to the official memo. relative to sending on all officials unopened, I feel morally certain that I did receive it, but I have no direct evidence to prove it as the memo. itself is not extant and what evidence I bore is "hearsay."

I beg most particularly and solemnly to state to the Court that I have not been guilty of any wilful misrepresentations whatever. I have been chiefly led into this error by the letters that in the usual course would have passed through my hands, but were sent to Major Haly direct to Coonoor, and I beg to express my extreme regret to Government that what I have unwittingly stated should have caused so much trouble and have rendered this Inquiry necessary.

CANNANORE, }
31st December 1856. }

(Signed) D. SHAW, Lieutenant,
39th Regiment N. I.

Communicated to the Judicial Department.

(True Extract and Copies.)

(Signed) C. A. BROWNE, Colonel,
Secretary to Government.

No. 14. ORDER THEREON, No. 241; dated 27th February 1857.

With the above Extract are forwarded the Proceedings of a Court of Inquiry held at Cannanore, under the orders of His Excellency the Commander in Chief, in consequence of the request conveyed in Extract Minutes Consultation, Judicial Department, 10th November last.

2. The Court was assembled to investigate the correctness of an assertion made by Lieut. Shaw, 39th Regiment N. I., late Adjutant of the Malabar Police Corps, in his letter No. 522, without date, to the Chief Secretary to Government, viz. that Major Haly, Commandant of the Corps, on leaving it in December 1855 for the Neilgherry Hills on leave of absence, took with him the draft letter books and ordered Lieut. Shaw to send on to him unopened all official letters addressed to the Officer Commanding the Corps.

3. Lieut. Shaw has submitted to the Court a letter dated 31st December 1856, in which he admits that his statement as above was erroneous, and gives such explanation as it was in his power to afford in regard to the circumstances under which he was led into the error.

4. The Right Honorable the Governor in Council fully acquits Lieut. Shaw of intentional and wilful misrepresentation, but his incautious statements reflecting injuriously on the conduct of his Commanding Officer were very reprehensible. It is trusted that he will be more guarded for the future.

Fort St. George, Judicial Consultation, 3rd March 1857.

Resolved that these orders be communicated to the Military Department as also with copy of the Proceedings of the Court of Inquiry to the Magistrate of Malabar, who will furnish copies to Major Haly.

(Signed) T. PYCROFT,
Chief Secretary.

5
Judicial Department

No. 252.

Extract Minors. Cons. in the
Military Department
Dated 24th January 1857
For Orders.

I am very glad that this
matter has been cleared up.

I think it shows that we should
be more careful - but the children
have been punished - when stating
a matter likely to injure another
person's character - W. H. M. G. M.

I fully acquit Lt Shaw of
intentional & wilful misrepres-
entation but his incautious
statements reflecting injuriously
on the conduct of his Comd
Officers are very reprehensible

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Extract from the Minutes of Consultation
Dated 27th February 1857

Read & approved by the Court 24 Jan 57

With the above extract
are forwarded the
Proceedings of a
Court of Enquiry
held at Caceranea
under the orders of
H E K C T, in con-
-sequence of the re-
-quest conveyed
in L M C Des^{ch} Sept.
10 Nov 56 -

2. The Court was
assembled to in-
-quire into the conduct
of an admission
made by Lieut Shaw
39 Regt & I Lato

At
Ly
M
Reiley

Adjutant of the Maine
- the Police Corps in
- no 522
his letter with one dated
to the Chief Secretary to
Genl - viz that Major
Rely Comma and
of the Corps on leaving
it in Decr 1855 for the
Kutigeny Hills on
leave of absence to
write him the draft
letter books and a
- since I have to
send on to him un-
- opened all official
letters addressed to
the Officer Comma and the
Corps -

3 - Lieut Shaw has
submitted to the Com
a letter dated 31 Dec
1856 - in which he
admits that his

statement as above
was erroneous - &
was sent by mistake.
- Com as it was in his
power to afford in
regard to the same -
- Charles under
which I was kept
in the error -
- the R H K Gil
fully acquiesces
Shaw of intentional
most wilful mis-
representation - but
his incautious state-
ment reflecting
injuriously on the
conduct of his Com-
manding Officer
can only reflect
- it - It is trusted
that he will be more
guarded for the

further -

Resolved that these
orders be communicated
- entire to the mil^l Dept -
as also with copy
of the Proceedings of
the Court of Inquiry
to the Magistrate of
Malabar who will
furnish copies to
Major Halsey.

13th

Copy to the Military Department
Copy to the Mag^r of Malabar with copy of the Proceedings of the
Court of Inquiry -

JP
Recd 27th Aug 1857
16 of 1857 Jan-20.
Recd to the Magistrate of Malabar

On 27th Aug 1857
On 27th Aug 1857

No 211

Extract from the
Minutes of Coms.

dated 27th February 1857

J.C. No. 18-19

11-11-56