

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	276	Press
		~~Mis.~~
	29.3a	
Dated	10 - 3 - 18	57.

Not to be folded or roughly handled

5.

Fort St. George, Judicial Consultation, 10th March 1857.

No. 29. Read the following letter from Captain W. T. ROLSTON, 14th Regiment N. I., Acting Deputy Assistant Commissary General, and late Superintendent of Police, Cannanore; to T. PYCROFT, Esq., Chief Secretary to Government, dated 6th March 1857.

SIR,

1. I have the honor to bring to your notice, for submission to the Right Honorable the Governor in Council, the following circumstances.

No. 9 of 1856, No. 7 of 1857. 2. Two Suits (numbers as per margin) have been filed against me in the Principal Sudder Ameen's Court at Tellicherry, the first by a discharged Pay Office Shroff, named Mylel Vylel Ramen Chettyar, who, in consequence of my report, was discharged from Government employ, for receiving a bribe to obtain a situation for a Volunteer in the Pay Office, and for falsely accusing the Head Writer of that Office with the offence: this man charges me with illegal arrest and fine, and has laid his damages at 800 Rupees.

3. The whole circumstances of the case will be found in a letter marked A, attached, which is a reply to a Petition presented against me by the said ex-Pay Office Shroff to the Magistrate of the District, who as will be perceived by the endorsement, saw no necessity for interfering in the case.

4. Mylel Vylel Ramen Chettyar then petitioned Government, who declined to interfere, but informed him that he could file a Suit in the Civil Court if he wished, he has accordingly done so, and charged me with illegal arrest and fine, my letter marked C, shews that I acted strictly according to Regulation; the Plaintiff lived beyond my jurisdiction, and the summons for his attendance was sent to be served through the Civil authority. Plaintiff refused to sign it, I accordingly sent a Warrant to the same authority, who arrested and made the Plaintiff over to my Peons. Vide Clause II, Section VIII, and Section X and XI of Regulation VII, of 1832, and with regard to the fine, I proceeded under Act XXX of 1841, which authorizes the Officer presiding in any Court, to fine for contempt of Court. The Plaintiff after having been examined as a Witness, when his Depositions were read before those against whom he had given evidence, calmly denied the whole of his statements, and laughed in my face, upon which I find him 20 Rupees for contempt of Court.

5. I have placed the whole of the correspondence, &c., in the hands of the Government Vakeel at Tellicherry, together with my Memo. marked B, protesting against the proceedings, and explaining the subject. I have requested the Court to allow me forty days (nearly half of which time has elapsed) to enable me to submit the case to Government.

6. The second case is a suit† filed against me by the Cherria Bebee of Cannanore, who has laid her damages at Rupees 1,136-4-10, and charges me with having caused certain shops of hers to be demolished, which are situated in the General Military Bazar of Cannanore.

+ Report attached marked D. 7. The history of the case is as follows: a large and old building was considered unsafe. I personally examined it, and desired a Bazar Punchayet† to report upon the building, they also considered the building unsafe, and suggested its being immediately pulled down, as it was situated in a crowded locality. I reported the circumstance to the Bebee in a Memo. marked E, and requested her to pull it down, or permit me to do it for her. Her Highness paid no attention to my Memo. I accordingly requested the interference of the Head Assistant Magistrate, who served an injunction on Her Highness, under the Provisions of Act XXI of 1841; to this also she paid no attention, he (the Magistrate,) therefore as will be observed by the concluding part of the correspondence marked K, directed me to try and persuade Her Highness to remove the building, which I did in a Mullayalum letter marked L, failing which, he authorized my removing the dangerous building at the public expense, and selling the materials by auction to defray the charge. No attention was paid to my letter. I accordingly carried out his instructions.

8. In this case, I respectfully submit, that no responsibility rests with me, as I was acting under the orders of the Head Assistant Magistrate; it is the invariable practice of the Civil authorities to request the aid of the Superintendent of Police in carrying out any Civil or Criminal process within the Cantonment limits. I sent the whole of the correspondence connected with this case to the Government Vakeel at Tellicherry on the day† I left Cannanore, and desired him to inform the Court that I denied altogether any responsibility in

Fort St. George, Judicial Consultation, 10th March 1857.

the matter, and requested him to obtain forty days grace to enable me to submit the subject to Government.

9. I have been ordered to join my Regiment on service, and cannot embark to do so until some satisfactory arrangement is come to in both these cases, and as I can conscientiously assert to the best of my knowledge, that I have not deviated from the strict letter of the law, I earnestly and respectfully request that the Government will give my conduct their favorable consideration and support by defending the actions for me, or by adopting such measures as may be deemed most expedient to relieve me from all responsibility. I care not for myself, my conscience is clear, but I do care for those that I have left behind in Cannanore, who might, during my absence, be subjected to insult and annoyance by my property being attached (and every one is aware of the venality and chicanery that goes on in those Native Courts) and it is under this strong feeling that I, as an Officer of Government, respectfully claim its protection, and solicit a speedy release from all responsibility in these cases, for nothing would distress me more than the feeling that in the event of my Corps gaining honor, I could not be a participator in it, in consequence of being detained to defend alleged illegal acts committed by me in my Official capacity of Superintendent of Police. His Lordship from hereditary association knows what a soldier's feelings would be in such a case.

(Signed) W. T. ROLSTON, Captain,
14th Regiment N. I., Acting D. A. C. G.
and late Superintendent of Police, Cannanore.

List of Correspondence attached marked (A.) letter from Captain Rolston, to the Magistrate of the District, reporting on the Petition of Mylel Vylel Ramen Chettyar, and the Magistrate's endorsement to the Petition.

Case No. 9 of 1856.

(B.) Captain Rolston's Memo. to the Government Vakeel, explaining the case, and requesting that the Number may be struck off the File.

(C.) Captain Rolston's letter to the Head Assistant Magistrate, reporting that the Plaintiff would not sign the Summon sent through the Police Ameen, and forwarding a Warrant.

Case No. 7 of 1857.

(D.) Punchayet's Mallayalum report on the Chinna Beebee's house, suggesting its being immediately pulled down.

(E.) Captain Rolston's Memo. to Her Highness the Beebee, reporting the state of the building and requesting Her Highness to pull it down, or authorize him to do so.

(F.) Letter to Head Assistant Magistrate, reporting the state of the building, and Her Highness having failed to take any steps to remove it, and requesting his co-operation.

(G.) The Head Assistant Magistrate's reply to Captain Rolston, stating that he had intimated to Her Highness that should the building not be pulled down or repaired, she will be proceeded against, under the provisions of Sect. II Act XXI of 1841.

(H.) Another letter from the same Officer to the address of Captain Rolston, stating that Her Highness had taken no notice of the above letter, and that he had served an injunction upon her, under the provisions of the above quoted Act, copy of which is appended in Mallayalum.

(I.) Letter from Captain Rolston to Head Assistant Magistrate, reporting that Her Highness had paid no attention to the injunction.

(K.) Reply from Head Assistant Magistrate, recommending Captain Rolston's communicating once more with Her Highness, prior to pulling the building down, and in the event of its not being attended to (as the building is situated in the Cantonment limits), states that he considers Captain R. will be justified in carrying out the provisions of the Act.

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(L.) Mallayalum letter from Captain Rolston, to Her Highness, requesting her to remove the building, and warning her of consequences.

(Signed) W. T. ROLSTON, Captain,
14th Regt. N. I., A. D. A. C. G.
and late Supt. of Police, Cannanore.

From Captain W. T. ROLSTON, Superintendent of Police; to T. CLARKE, Esq., Magistrate of Malabar, dated Cannanore, 21st April 1856, No. 124.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 1086, enclosing copy of an appeal made against me for illegal restraint and fine, by one Mylel Vylel Ramen Chettyar, and with reference thereto, beg to submit the following remarks:

1. The greater part of the statements made by Petitioner are fabulous.
2. Petitioner was held to bail by me for some days, during an investigation that I was carrying on for the purpose of ascertaining in what manner he obtained copies of certain official documents that were in his possession, and which must have been illicitly obtained through the aid of the Pay Office Clerks.
3. He refused to sign my Summons served through the Civil authorities, and was apprehended by a Warrant, and confined in the Choultry for a short time, until he gave security for his appearance.
4. In his statement he implicated several writers in the Pay Office and his daily attendance at my Office was absolutely necessary, to give him an opportunity of substantiating his charges; he appeared before me as an evidence.
5. He was fined by me in the sum of 20 Rupees for contempt of Court, under the Provisions of Act XXX of 1841.
6. Petitioner was Shroff in the Pay Office at this Station, charges were preferred against him (before me) about 5 months ago by the Paymaster, Major Gompertz, for falsely accusing the Head Clerk of the Pay Office of receiving a bribe to obtain a situation as writer for a young East Indian in his Office, he (the Shroff) being the actual recipient of the money.
7. The charge was fully proved, and Petitioner was discharged from Government employ, since which time he has amused himself by sending to almost every conceivable authority petitions somewhat similar to those forwarded by you to me reflecting on Major Gompertz and myself.

(Signed) W. T. ROLSTON,
Superintendent of Police.

Endorsement No. 1135, Calicut, 22nd April 1856.

The Magistrate has received from the Superintendent of Police, at Cannanore, a report which satisfies him that his interference is not called for in this case.

(Signed) T. CLARKE, Magistrate,
To Mylel Vylel Ramen Chettyar, Cannanore, with reference to his Petition, dated 15th Instant.

B.

MEMO.

† No. 9 of 1856, File of Principal Sudder Ameen.

The Superintendent of Police, requests the Government Vakeel will submit the following representation to the Principal Sudder Ameen, and trusts he will strike the Number† off the File of his Court on being made acquainted with the real merits of the case.

while at Cannanore on the 14th instant, J.

Fort St. George, Judicial Consultation, 10th March 1857.

1. The Superintendent of Police submits a copy of his report, dated 21st April 1856, to Mr. Clarke, the late Magistrate of the District, on the Petition of Mylel Vylel Ramen, dated 15th April 1856, together with an endorsement given by that Officer to Petitioner, dated 22nd April 1856.
2. The Law appears to contemplate as just grounds for bringing an action of damage, an act committed in opposition to established Regulation. The Superintendent of Police maintains that he has not abused the authority with which he is vested by Regulation VII of 1832, which authorizes his summoning witnesses residing beyond Military limits. Vide Clause 2, Section VIII, and Sections X and XI, of the said Regulation, and Act XXX of 1841, authorize fine for contempt of Court, or obstructing justice.
3. The Superintendent of Police submits that even should he have been guilty of an error of judgment (which he maintains he has not been) he is protected by Act XVIII of 1850, and on this point he would solicit the special consideration of the Court, as it rests with the Plaintiff to shew that the Superintendent of Police did not act with good faith.
4. Plaintiff acknowledged before the Superintendent of Police's Court, that he complained against his superior, Major Gompertz, because he had discharged him.
5. Plaintiff states in his Urzee to the Sudder Ameen, that he obtained an order from the Sessions Court, to file a suit against the Superintendent of Police on the 4th August 1856, but neglected to do so, until the 8th November, upwards of 3 months after the passing of the order, this appears to him to be contrary to the spirit of the Regulations which allow only 30 days for an appeal.
6. The Superintendent of Police is desirous of laying all these circumstances before the Court, prior to troubling the Government with a request to defend the suit, as the Regulations appear to direct so clearly, that there should be some just grounds for bringing an action against a public Officer, before the Court permits the suit to be filed, and that no public Officer will be safe, should parties who are smarting under well-merited punishment, be thus allowed from revengeful motives, to prosecute those who administer the Law.

(True Copies.)

(Signed) W. T. ROLSTON, Captain,
Superintendent of Police.

C.

From Captain W. T. ROLSTON, Superintendent of Police; to the Head Assistant Magistrate of Malabar, Tellicherry, dated Cannanore, 14th March, 1856, No. 79.

Sir,

I have the honor to enclose a Summons sent to the Police Ameen at Tellicherry, to be served on one Ramen, late a Shroff in the Military Pay Office, which he has returned with the accompanying Malyalum document attached, reporting that Ramen refuses to sign the Summons. I enclose a Warrant, and request you will be good enough to afford aid to the bearer in capturing Ramen, and forwarding him on to my Office.

(Signed) W. T. ROLSTON, Captain,
Superintendent of Police.

(True Copy.)

(Signed) W. T. ROLSTON, Captain,
Superintendent of Police.

Fort St. George, Judicial Consultation, 10th March 1857.

E.

Memorandum from Captain W. T. ROLSTON, Superintendent of Police; to Her Highness the Queen Beebee of Cannanore, dated 14th April 1856.

The Superintendent of Police has the honor to inform Her Highness the Queen Beebee of Cannanore, that a Punchyat has examined the building designated as the "Old Cutcherry" and pronounced it unsafe, and recommends its immediately being pulled down to prevent injury to the inhabitants. The Superintendent of Police fully concurs in opinion with the Punchyat, and requests that Her Highness will take immediate steps to pull the building down, or authorize the Superintendent of Police to do so at her expense.

(Signed) W. T. ROLSTON,
Superintendent of Police.

F.

From Captain W. T. ROLSTON, Superintendent of Police; to H. E. SULLIVAN, Esq., Head Assistant Magistrate of Malabar, Tellicherry, dated Cannanore, 2d April 1855, No. 154.

Sir,

I have the honor to inform you that some days ago, I caused a building termed the "Old Cutcherry," situated in the Military Bazaar, and the property of Her Highness the Queen Beebee of Cannanore, to be examined by a Punchyat in consequence of its being reported unsafe and dangerous. The Punchyat recommended its being immediately pulled down. I duly communicated this circumstance to Her Highness, and the Police Ameen, but as yet no steps have been taken to carry out the measure, I therefore request you will be good enough to lend me your co-operation in causing the removal of the said building, for should it fall, which it most probably will do, after a heavy fall of rain, serious injury to life, may accrue, as a large Toddy-shop is situated in one of its partitions.

(Signed) W. T. ROLSTON,
Superintendent of Police.

G.

From H. E. SULLIVAN, Esq., Head Assistant Magistrate of Malabar, Tellicherry; to Captain W. T. ROLSTON, Superintendent of Police, Cannanore, dated 3d May 1855, No. 35.

Sir,

In reply to your letter dated 2d Instant, No. 154, I have the honor to inform you, that I have signified to Her Highness the Beebee, that unless the house alluded to by you, is immediately pulled down, or put into such repair as will render it safe, she will be proceeded against, agreeably to the Provisions laid down in Section II, Act XXI of 1841.

(Signed) H. E. SULLIVAN,
Head Assistant Magistrate.

H.

From H. E. SULLIVAN, Esq., Head Assistant Magistrate; to Captain W. T. ROLSTON, Superintendent of Police, Cannanore, dated 1st June 1855.

Sir,

Adverting to your letter, under date the 2d Ultimo, No. 154, and my reply thereto dated the 3d Ultimo, No. 35, I have the honor to inform you that Her Highness the Queen Beebee having taken no notice of my letter requesting her to cause the building alluded to by you, to be

(Signed) T. PYCROFT,
Chief Secretary.

*Inspector
John Sullivan
Magistrate*

നമ്പർ ൧൫൭

കമ്മ്യൂണിക്കേഷൻ ഓഫീസിലെ ഓഫീസറോടുകൂടി ചേർന്നു നടന്ന യോഗത്തിൽ തീരുമാനിച്ചതു പ്രകാരം ഇതിനെ
പ്രകാരം ഇതിൽ ഉൾപ്പെടെയുള്ളവർക്കായി കമ്മ്യൂണിക്കേഷൻ ഓഫീസിലെ ഓഫീസറോടുകൂടി ചേർന്നു നടന്ന യോഗത്തിൽ
തീരുമാനിച്ചതു പ്രകാരം ഇതിൽ ഉൾപ്പെടെയുള്ളവർക്കായി കമ്മ്യൂണിക്കേഷൻ ഓഫീസിലെ ഓഫീസറോടുകൂടി ചേർന്നു നടന്ന യോഗത്തിൽ
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ഇതിൽ ഉൾപ്പെടെയുള്ളവർക്കായി കമ്മ്യൂണിക്കേഷൻ ഓഫീസിലെ ഓഫീസറോടുകൂടി ചേർന്നു നടന്ന യോഗത്തിൽ
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തീരുമാനിച്ചതു പ്രകാരം ഇതിൽ ഉൾപ്പെടെയുള്ളവർക്കായി കമ്മ്യൂണിക്കേഷൻ ഓഫീസിലെ ഓഫീസറോടുകൂടി ചേർന്നു നടന്ന യോഗത്തിൽ

*Signed/ H. E. Sullivan
Magistrate*
(a true copy)
*Signed/ H. E. Sullivan
Magistrate*

P. 554.

*To
H. E. Sullivan Esq.
Magistrate of Malabar
Tellicherry*

J.

Sir, With reference to your letter of the 1st instant
and to the copy of the notice therewith received,
I regret to inform you that as yet no steps
appear to have been taken by Her Highness
the Queen Mother of Cannanore, regarding
the building reported to be unsafe. Although
14 days have elapsed since your notice of the
29th May last was served on her.

I have the honor to be Sir,
*Signed/ W. J. Rolston
Supt. of Police*

*Mr. Police Office
Can^o 12th June 1855*

*To
Captain W. J. Rolston
Supt. of Police
Cannanore.*

J.C.

Sir, I have the honor to acknowledge the
receipt of your letter dated the 12th instant
and in reply thereto, to inform you that
whilst at Cannanore on the 14th instant, I

As it is advisable to avoid having recourse to coercive measures when practicable, I would suggest (as the building is within the Containment limits) that you should communicate once more with Her Highness on the subject, and should she then positively refuse to remove the building, I am of opinion, that you would be justified in proceeding in the next course, viz. to remove the dangerous building at the public expense, and to sell the materials by auction to defray the charge thereof.

[illegible]

(True Copies)

H. J. G. M. L. L. L.
Sup of Police

Feb 1857
Du No 397

[illegible][illegible][illegible]

L

6 കളിപ്പാട്ടങ്ങൾ പഠനക്കുറുപ്പുവരെ

[illegible]

1. നെ നെ പഴയ രാജ്യം
2. നെ നെ പഴയ രാജ്യം
3. നെ നെ പഴയ രാജ്യം
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10. നെ നെ പഴയ രാജ്യം

reached me after Capt.
Bolton left London
quite before his death
If required I can
have my letter copied
sent in. If not
probably you will
send a memo staff.
It is not required &
recall the paper.

Yours truly
C. D. B.

must report unfavorably
H. No proceedings
C. D.

There

H. No

H. No

Council
12/5/57

Official news—

The Chief Secretary to Govt has
the honor to request that the
Govt Pleader will return the
papers forwarded to him under
date the 9th March ^{the} connection with
the actions brought in the Court of
Tellicherry against the late Capt
Robinson - the death of that Officer
having rendered it unnecessary
to proceed further in the matter
8-5-57 J.S.

for proceedings taken or alleged
taken by them in their official
capacity, is to leave the Officer to
defend himself - it being left for
consideration hereafter when judgment
shall be given and the Govt has before
the evidence & arguments on both

Oct 8th

To be despatched

at once —

may be shown in

Council

GP

S.

13.
Memo.

Capt. Rolston called upon me at
Office last Thursday, by desire of
H. H. C. to speak to me on this
subject —

Two suits have been brought against
him in H. P. Shauca's Court at Tiki.
— charging for acts done by him when in
charge of H. Police at Camraa —

The usual course taken by Govt,
when any of their Officers Civil or mili-
— tary are prosecuted in a Court of
Law for proceedings taken or alleged
to be taken by them in their official
capacities, is to leave the Officer to
defend himself — it being left for
consideration hereafter when judgment
has been given and the Govt has before
them the evidence & arguments on both

lives, whether they will make good
the costs and damages awarded
against the Officer, in the event of
his being cast in the suit -

But there is this very marked
peculiarity in Capt. Rolston's situation
He has been ordered away from the
Station, on active service suddenly -
shortly after the suit was filed - His
refusal to return, however, good it
may be, must therefore be made at
his advantage - It is also true
he states that supposing the decision
to be against him - and the damages
paid are heavy - execution may
issue at once, and he probably with
his family at (anxious) he disclaimed
I told Capt. Rolston that I
could do nothing on his own behalf

14.
representation - that he had better
address me in writing, stating his
case as fully as he could and ap-
-proving the papers connected with
it - This he has done - but his
letter of the 6th did not
reach me until yesterday evening.

I do not see what we can
do now then except the matter to
the Gov. I have done in the
accompanying draft.

JP

8/2/57

Captain Rolston should
at once apply for further
information under the cir-
-cumstances of his sudden
departure would certainly
be granted W.P.

I believe that Capt. Natston has
throughout acted in strict ac-
-cordance with the Regulations
and under the circumstances
of the Govt. have no reason to stay
proceedings I think the same
should be dismissed.

By

Govt. cannot stay proceedings of any Court.
Capt. Natston should apply for further time & the
order doubtless be granted.

He should have the assistance of the Govt.
Law Officers under the present circumstances
he is placed.

Govt. authorize the Govt. Pleader to advise
in his case & instruct the Govt. Counsel to defend.

By

Extract Mins. of Cons. ^{No 276} Judicial Dept.
Dated 9th March 1857. 15.
From Capt. Rolston 14 Regt. N.Y.
Actg. Dep^y. Asst. Commis^r Genl
and Int. Sup^r. of Police Caucasus.
6 March 1857

To be returned

At

By

By

By

Resolved that the
above letter and its
accompaniments
be forwarded to Govt.
Pleader, and that
he be requested to
give the papers his
immediate attention,
and report to Govt.
at an early date
his opinion on the
matter of the two
suits instituted
against Capt. Rol-
ston, Late Sup^r of Police
at Caucasus, in the
Court of K. A. A. A.

at Tiching - and
what assistance
can be given by
Capt. Rolston for
the defence of the
Action in the pecu-
-liar circumstances
of his case -

2. Resolved also
that Capt. Rolston
be directed to com-
-municate person-
-ally with Mr. Dale
and afford him
any information that
he may require in
regard to the suit,

which is not contained

to you - Please Mr. with orig.
letter & its enc. Encls. - Dispt. in it papers already
do Capt. Rolston Dispt. submitted J.P.

Para 3. Capt. Rolston should
apply immediately
to the P. S. Attorney of
Tiching for fees.
- He is to plead
in both suits - Under
the circumstances
it is not likely that
this will be denied -
but if it should be
application should be
made ~~immediately~~
to the Civil Judge.

Don'ty to Com. 10 March
Hudson 1857 Sept 1857

No 2715

Exhibit 11111111111111111111

2715 11111111111111111111

Sept 1857

29 1830