

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 993

Dated 13th May 1895

INDEXED.

[Despatch Abstract.]

COMPLAINT FROM A COFFEE-PLANTER.

Expressing to Mr. Dickens the inability of Government to compensate him for the damages sustained by him owing to the seizure and detention by the Police station-house officer of Yercaud of certain bags of coffee, and stating that inquiries will be made into the conduct of the Sub-Magistrate and Station-house officer, and transferring his petition to the District Magistrate of Salem in view to the necessary inquiries being instituted regarding the conduct of the above-mentioned officers.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5006		95				

Judicial Department
CURRENT NO. 1939

From, *Mr Alfred Dickens*
Coffee Planter
Yercaud, Sheroaroy Hills
Salem District

Dated 17th
Recd 19th } April 1895
Recd 20th
Encs: 4.

Subject.
Requesting to take notice of the
conduct of (1) Sub-Magistrate
Mr V. Arakiasamy Pillai & (2) of
Station House Officer Venkata Lakshma
Naidu in the two cases connected
with the 48 bags of coffee purchased
by him for Messrs Volkart & Brothers
of Calicut and also to award to him
a sum of not less than Rs 1000 to
cover his actual expenses occasioned
by the prosecution of the said two cases
& some small money compensation
in satisfaction of the injuries he has
sustained at the hands of the above
Govt. Officials.

For orders.

Perhaps the Dm's report may be
called for in this case? Mr
Dickens claim for compensation
is of course untenable. He may
have a right to claim it from
the station house officer or
sub-magistrate if he can prove
mala fides on their part, but
Govt. is not liable to make
any such payment. - The Supt
is making enquiries into the
conduct of the police, but it does
not appear that any complaint
has been made to the Dist. Magt.
regarding the misdeeds of the
Sub-mag. Should he be called
on for a report, or told to take
such actions as he deems called
for. - If Co. thinks a report
desirable, the need not go to
H.M. If otherwise but perhaps
it would be better to tell Mr
Dickens at once that his claim
for compensation is untenable
& that the Dist. Magt. & local
authorities will be directed to
take notice of the conduct of the
subordinate officials. If Co.
thinks this course preferable,
a brief note will be prepared for
H.M. D
23.4.95

C. No.

FOR ORDERS.

This lengthy petition is from a Mr. Alfred Dickens, a Coffee Planter on the Shevaroy Hills. It consists of a complaint against the local submagistrate & Station house officer, & a claim for compensation not less than Rs 1000/- in amount for the damage caused to him by their action.

2. The facts of the case appear to be briefly as follows. Mr. Dickins purchased 48 ^{ti}bags of coffee from ~~the~~ ^{certain} Dicklens, relates in January last, & instructed his agent - one Jacobin - to convey this coffee to the Salem Rule station, & he booked for Calicut. He gave the agent one general pass giving details ^t of the 48 bags, & a separate pass permitting him to remove the 40 bags from Mr. Dicklens Estate. The agent took Mr. Dickins's ^{current} ~~ballot~~ ^{pass}.

40 from his brother's
estate
8 from Jefferys
estate

† as required by the Coffee
stealing act

No.

From

FOR ORDERS.

Dated

189 ,

FOR ORDERS.

conduct would be brought to notice. The case against the cartmen has smashed on appeal, & it appears that the Supt. of Police (Mr. J. S. Mullaly) is enquiring into the conduct of the Station House officer.

Mr. Dickins' petition, if true, shows that the Submarine behaved very improperly, being actuated by a desire to spite the pleader whom Mr. Dickins employed; but it does not appear that Mr. Dickins has made any complaint to the Dist. Magistrate, properly speaking para 2. of the Pet. Rules. C. applies to this portion of his complaint. The demand for compensation is untenable; if the Submarine & S.H.O. were acting bona fide, they are not liable to pay Mr. Dickins compensation & a fortiori Govt is not liable; if on the other hand they were acting mala fide, they are personally liable, but Govt cannot be held responsible for their acts. -

Submitted therefore that Mr. Dickins should be told at once, that Govt cannot recognize any liability to give him compensation, though & that his proper course is to sue the Submarine & S.H.O. if he considers

to Mr. Lechler's estate, gave the 40 bags of coffee into their charge with the separate pass & set them on their way while he went off to Tappanary to get the remaining 8 bags. - When the cartmen got to Gercand, however, the Station House Officer retained the coffee - apparently on the ground that it was not covered by a proper permit. When Mr. Dickins got word of this he hastened off to the Police Station, complained to the Station House Officer, but without effect, & then telegraphed to the Supt. of Police. - The S.H.O. laid a complaint against the cartmen, on the ground that they had no proper pass for the coffee & had thus committed an offence under s 10 of the Coffee-Stealing Act. He further charged Mr. Dickins & his agent with having obstructed & insulted him in the exercise of his duty - i.e. under 2PC. ss. 186 & 187. - The Sub. Magistrate convicted the cartmen, & dismissed the other case, being as Mr. Dickins contends afraid that, if he went on with the case, Mr. Dickins would claim his rights as a European British Subject - in which case the whole matter would have to go before the Dist. Magistrate, & the Submarine's presence

that he has a good case, as regards the conduct of these two officers, he may be informed that Govt. has directed the local officers to enquire into the matter. The petition itself might then be transferred to the Dist. Magistrate with instructions to take sufficient notice of the Submagistrate's conduct, & to see that the Supt of Police enquires into that of the Station House Officers.

2-5-95
Jr 4/5/95

Complaint from a planter

MM

For orders,

Order 13 August 1895, No 993.
Mr. Dickins will be informed that the Govt. cannot recognize any liability to compensate him for the damages which he may have sustained; his proper course is to sue the individuals by whose wrongful acts the damage ^{may have been} caused.
2. Enquiries will however be made into the conduct of the Submagistrate & the Station House Officers. For this purpose the petition will be transferred to the Dist. Magistrate of Salem who will be directed to take sufficient notice of the Submagistrate's conduct and then report the Station House Officer's action as brought to the D.
3. The petition will ~~not~~ be transferred to the Dist. Magistrate of Salem for his own inspection, being given to him for disposal; the work of course being done by the District Magistrate.
This will be forwarded.
Jr 10/5-95
Rtr 9 + para 112 of O
Dist. Salem 0 + petition in MS-993

DESPATCHED

6/5/95

Jul 1959

NOTE FOR THE UNDER SECRETARY.

It is regretted what occurred in this case.

The Station House Officer blundered and then when hustled by Mr. Atkins, who very probably did use the language imputed to him, thought it best to go on with the case. How the Sub Magistrate came to the conclusion that he did and under what circumstances he took the charge against Mr. A. I cannot imagine. How the letter to Kodanda Raviiah was for hold of unless it was stolen I cannot think. Mr. Atkins and his brother will probably get into a mess about that. Mr. A's claim as against Govt. is of course entirely baseless. If he has any grievance it is against the S. H. O. & Sub Magistrate that he wants redressed.

Require a note for the as proposed.

The S. H. O. is either a fool or a knave. He appears from his letter to the D. C. to be a very fine up-to-the

Jr 25/4/95

A A

This will be forwarded

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