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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2439	Press	<i>Original</i>
B.P. No.		Mis.	
Dated	13-9-	1876.	
		195	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
13th September 1876. No. 2,439.*

No. 187. Read the following letter from Lieutenant-Colonel R. B. KENNEDY, District Engineer, Malabar, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Calicut, 25th August 1876, No. 103:—

IN forwarding copy of the Calendar* in the case of dacoity committed on Sub-Overseer P.D'Silva of the Palghaut Range,

* No. 29 of 1876, on the file of the Session Court, South Malabar.

I have the honor to report that while the Sub-Overseer was returning on 5th March

last from Chemnampathy, where he had gone to superintend the sinking of the well for the Police, he was attacked by a gang of about forty Mulcers, a people living in the jungles bordering between British and Cochin territories, and well known for their predatory habits, and robbed of all the property he had then with him, valued at Rupees 11-12-0 besides Rupees 27 in cash, being his pay and travelling allowance for February, which he had received two days before from the Taluq Overseer at Kollengode. The matter was at once reported to the Police, but only two of the perpetrators were apprehended, and these have been convicted and sentenced by the Session Court to two years' rigorous imprisonment each.

2. As the Sub-Overseer was travelling on duty, perhaps Government will permit compensation to him equivalent to his loss, and I beg to prefer a claim on his behalf with strong recommendation that it be favorably considered.

No. 188. ORDER THEREON, 13th September 1876, No. 2,439.

ESTABLISHMENT, No. 9.

HIS EXCELLENCY in Council regrets the loss which has been sustained by the Sub-Overseer while in discharge of his

duties, but is not prepared to sanction the precedent for granting compensation in such cases.

2. These Proceedings will be communicated to the Judicial Department for consideration whether by strengthening the Police establishment, or by some other means, greater security of property in the locality in question may be obtained.

(True Extract.)

Colonel,
Offg. Under Secy. to Govt., P.W.D.

To the District Engineer, Malabar.
„ Judicial Department.

Exd. S. T. Austin.
Spare Copies

2

ARE PREDATORY: NOTHING SPECIAL IS
BROUGHT FORWARD: AND UNLESS GOVT.
IS INCLINED TO TAKE UP THE CLAIM
TO COMPENSATION SUBMITTED BY AN
OFFICE CLERK IN MADRAS, WHOSE
HOUSE IS ROBBED DURING OFFICE
HOURS, I CAN SEE ^{NO} REASON FOR RE-
COUING MR. D' SILVA HIS LOSS.
IT IS DOUBTLESS HARD ON HIM TO BE
PLUNDERED, BUT I DO NOT SEE THAT
THE STATE IS CALLED UPON TO INTER-
FERE.

L. J.
6/9.

GOVT. OF MADRAS. } 1876. { P.W. DEPT.
CONTROLLER, P. W. ACCOUNTS.

Madras, Sept. 6th 1876.

OFFICE NOTE.

To

W.

I CAN QUOTE NO PRECEDENT WHICH COULD APPLY TO THIS CASE.

3. IF GRANTED, IT MUST BE GRANTED AS A SPECIAL ACT OF GRACE CHARGEABLE TO PROVINCIAL FUNDS.

IT COMES UNDER NO RULE THAT I KNOW OF, NOR DOES IT SEEM TO ME THAT THE OVERSEER HAS ANY CLAIM TO THE INDULGENCE, EXCEPT, PERHAPS, THE VERY WIDE EQUITABLE RIGHT OF EVERY TAX-PAYER TO BE RECOUPED ANY LOSS HE MAY SUSTAIN OWING TO DEFECTIVE PROTECTION AFFORDED HIM BY THE STATE.

3. IN THE PRESENT IMPERFECT STATE OF CIVILIZATION, HOWEVER, THE CLAIM CAN SCARCELY BE RECOGNIZED, AND THE PRECEDENT WOULD BE A VERY DANGEROUS ONE TO SET. WHEREVER GOVT. SERVANTS ARE STATIONED IN INDIA, THERE THEY ARE ON DUTY: THE HABITS OF NATIVES GENERALLY

KEEP-WITH.

Genl. No. dated

187

Oct. 9-9/76

Court of Session of South Malabar Calender N. 29 of 1876.

Regina - Versus - 1. Malayen Hammun
2. Malayen Helen

That you on or about the 5th March 1876 at Mudalamada Amshom in the Palghat Taluk with others more than four in number committed Dacoity and that you have thereby committed an offence punishable under Section 395 of the Indian Penal Code and within the Cognizance of the Court of Session.

2^{ndly} That you on or about the said date retained stolen property knowing the same to have been dishonestly obtained in the Commission of Dacoity and that you have thereby committed an offence punishable under Section 412 of the Indian Penal Code and within the Cognizance of the Court of Session.

Committed by Venkitapathi Naidu 2nd Class Magistrate of Palghat.

Offence	Complaint	Apprehension or appearance	Commencement of trial.	Sentence	Explanation of delay
5 th March 1876	6 th March 1876	21 st March 1876	19 th May 1876	19 th May 1876	

The Court concurring with the Assessors finds the Prisoners 1 Malayen Hammun and 2 Malayen Helen guilty of the offences specified in the Charge namely that they committed the offence of Dacoity and thereby committed an offence punishable under Section 395 of the Indian Penal Code and the Court directs that the said 1 Malayen Hammun and 2 Malayen Helen be each rigorously imprisoned for (2) two years.

(Sd) H. Wigram
Offg. Session Judge

(True Copy)

(Sgd) H. Wigram
Offg. Session Judge.

The Prisoners who are of the lowest Caste called
Mulsers plead not guilty to a Charge of Dacoity.

The 1st Witness an East Indian Carveer hired a Cart
belonging to the third Witness on the 5th March to go from
Kolingode to Chenavari pathy and back. On the return journey
in the broad day light about noon the Cart was surrounded
by about forty Mulsers from the neighbouring jungles and
1st Witness lost all the property he had with him including
27 Rupees - only one article has been recovered a silver tooth
pick wrapped in a letter which 2nd Witness states that he found
on searching the house where Prisoners live. This tooth-
pick is identified by 1st Witness as part of the stolen pro-
perty. The first and third Witnesses profess to be able
to identify both Prisoners as among the robbers though in
his deposition before the Magistrate the first Witness
says he can only identify 2nd Prisoner. The Prisoners were
arrested and shown to the Witnesses on 21st March.

3. Before the Magistrate the Prisoners Confessed
that they were invited by some local Mulsers to join in
the robbery and that they stood by whilst the Cart was looted.
Before this Court they retract this Confession and they have
all along denied that the tooth pick was found in their
houses.

4. I am of opinion that it is proved that the
Prisoners did take a minor part in the robbery but
I am not quite clear as to the finding of the tooth pick.
The Prisoners are poor ignorant jungle people and I have

only thought it necessary to sentence them to two years imprison-
ment.

May
1876

(Sgd) H. Wigram
Offg. Session Judge

(True Copy)

(Sgd) H. Wigram
Offg. Session Judge

(True Copy)

Mr. B. Kennedy Esq. Col.

D. Enghialabad.

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P.W.D.
28 AUG 76
No. 103
ENC. 1

Malabar Hill

Enclosed from the
District Engineer, Malabar
to the Secretary to Govt.
P.W.D. Madras No. 103
of 25th August 1876.

Copy of Calendar No. 29
of 1876 on the file of the
Sessions Court, South
Malabar.

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No 103
Malabar Dist. Engineer's Office
Calicut 25th August 1876.

From
The District Engineer
Malabar.

To
The Secretary to Government.
P.W.
Madras

Sir,
In forwarding copy of the
Calendar in the case of Waseem committed
on Sub. Overseer P. Silva of the Palghat
Range, I have the honor to report that
while the Sub. Overseer was returning on
5th March last from Chemirampally, where
he had gone to superintend the sinking of
the well for the Police, he was attacked by
a gang of about 40 Muleers, or people living
in the jungles bordering between British
and Cochin Territories, and well-known
for their predatory habits, and robbed of
all the property he had then with him.
valued at Rs. 11-12-- besides Rs. 27 in cash,
being his pay and travelling allowance for
February, which he had received two days
before from the Taluk Overseer at Kollam.
The matter was at once reported to
the Police but only 2 of the Perpetrators were
apprehended, and these have been convicted
and

and sentenced by the Session Court to
2 years rigorous imprisonment each.

2. As the Sub-Overseer was travelling
on duty, perhaps Government will permit
compensation to him equivalent to his loss,
and I beg to prefer a claim on his behalf
with strong recommendations that it be
favorably considered.

I have the honor to be

Sir,

Your most obt. Servant

W^m B. Kennedy Esq. Col.

District Engineer, Malabar.

P.W.D.
28 AUG 76
N^o _____

N^o 1976
ENC 1

No. 2439
Proceeds of the Madras Govt in
the P.W. Dept. dated the 13th Sept 76.

Recommended that Sub-
Clerks of the
Colony and Range may
be compensated for
the loss sustained by
them in a case of vacancy
committed and hired.

From
The District Engineer
to
The Secretary to Govt.
P.W.D.
Madras
Dated 25th August 1876.
Recd: 27th August 1876.
No. 103

1. C.E. 1304 of 30-8-76.

Referred to the Managers
of P.W. accounts for report

Respectfully
Sey. P.W.D.

* and returns.

No. 187

Recd 13-9-76
23-9-76

Real letter
(N^o 103 of 25 Aug 1876)
From D. Malabar.
His Excellency in Council
regrets the loss which
has been sustained
by the Sub Overseer
while in discharge of
his duties, But is
not prepared to start
a precedent for granting
compensation in such
cases.
2. These proceedings
will be communicated
to the Judicial De-
partment for consideration
whether

by strengthening the
police establishment,
or by some other
means, greater security
of property in the
locality in question
may be obtained.

W.H.
7.9.78

6188 ~~11~~
Govt. of 1876 Madras.
PUBLIC WORKS.

To The H. B. Malabar

Dated

Issued

Recd.

Encl.

G. O., 13 Sept 1876, No. 2489

Nos. 187/88

Mr. D. Silva - Sub Engineer
Palghat - Malabar

Re - Passing orders
in letter from the S. Eng.
submitting a claim for
compensation on behalf of
Q — for the loss
sustained by him in
a case of dacoity.

But to H.B.
29-9-78