

1. Number of pages, 18

2. Date of repair, 7-9-35

3. Initials of Repairman

M.R.O. 1-22,400-22-11-30.

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.	44	Press Mis.
Dated	6-2-	1865

Not to be folded or roughly handled

1

*Proceedings of the Madras Government, Pension Department,
6th February 1865.*

Read the following papers :—

From the Collector of Malabar.

(Here enter 25th November 1864, No. 4048.)

Report of the Civil Paymaster.

(Here enter 26th January 1865, No. 176.)

ORDER THEREON, 6th February 1865, No. 44.

From the above report it appears that Potakat Raman Menon, 2nd Class Sub-Magistrate of Betatpudiangadi, in the Malabar District, has been 35 years, 11 months, and 2 days in the Government service, and that of this period but 30 years, 7 months, and 25 days are computable for pension, while his average salary for the past five years has been Rupees 68-7-8, so that his service, had he been uniformly well conducted, would have entitled him to a good service pension of Rupees 34-4-0 per mensem.

2. But it appears that, during the last nine years of his service, he was four times suspended for misconduct; once for one year, for gross remissness and neglect of duty on the occasion of collection of fines under Act XXIII of 1854; again for four months in 1861, on the occasion of his arresting all the Railway employes attached to a train on the Railway, when his removal was recommended, but under special circumstances, disallowed by Government; and again, on two occasions in 1864, when his dismissal was again recommended, but not sanctioned by the Board of Revenue.

3. The Government consider that they would not be acting properly if they failed to make a distinction between a public officer whose course has been marked with faults of so grave a character, and others whose whole service has been irreproachable; and as the pension to one of the latter class would have been 34-4-0, the Government resolve to grant the applicant a pension only of Rupees 26.

4. The Collector will relieve the applicant, and report the date of his doing so to Government, who will then issue the usual certificate.

(True Extract.)

Under Secretary.

To the Collector of Malabar.

„ Civil Paymaster.

Exd. J. Tulloch.

(Copy)

N^o 4,410.

3

Proceedings of the Board of Revenue, dated 15th July 1864.

Read the following letter from the Collector and Magistrate of Malabar, dated, Calicut 17th June 1864. N^o 141. -

X X X X X X X X

1. The Board observe that their sanction to the dismissal of a Deputy Sahildar is not requisite under the rules. But the man could have appealed from the Collector's order dismissing him, and therefore the Board have gone into the merits of the case so far as the papers before them allow.

2. They find that on a formal trial the man has been acquitted on the ground that the charge had not been established, and that the proposal for his dismissal is based on mere general statements as to his guilt, and his inefficiency in office.

3. The Board find themselves unable to sanction his dismissal on such grounds.

(A true Copy and Extract)

Signed / W. Hudleston
Secretary.

(True Copy)

H. Brown

Asst. for Collector
absent in the District.

W. H. H.

FINANCIAL RAILWAY DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from P. GRANT, Esq., Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Calicut, 4th June 1861, No. 46.

I have the honor to make the following report regarding certain transactions which have lately taken place between some of the Railway officials and employees, and the Police.

2. On the 9th of May, one Mahomed, a Fireman of the Railway Company, was, on the requisition of the Criminal Judge of Calicut, summoned by the Sub Magistrate of Vettnad to appear at the Criminal Court on the 11th ultimo.

3. The summons was served in the usual manner, and subsequently attached to the wall of his (Mahomed's) dwelling. As he (Mahomed) did not make his appearance when summoned, a warrant was issued on the 13th May for his apprehension.

4. Its execution was entrusted to two Constables, named Manamarakaragatha Moideen Katti and Ulatil Govinden. Mahomed was on the Engine at the Tiroor Station, when they endeavored to execute it. They were resisted, made prisoners, put into the Guards Van and finally carried to Beypir, 18½ miles distant, where they were brought before Mr. Dartnell, Assistant Traffic Manager, who warned them for the future not to trespass on the Railway Company's premises or grounds, and then released them. A serious misdemeanor had thus been committed by the Railway officials, they were chargeable with resistance of process, assault and false imprisonment.

5. Information was quickly conveyed to the Police station, of what had taken place, and charges laid against the Railway officials before the Sub Magistrate of Vetutpoodiangadi; who, on the following morning, about 9 A. M. issued a warrant for the apprehension of the parties concerned, Mr. Dartnell, Assistant Traffic Manager, excepted. On the arrival of the Train at Tiroor at 9-15 A. M. the parties eight in number, whose names appear in the warrant, Mr. George Roe excepted, were arrested. They consisted of the Engine-driver, Firemen and Guard; in fact all the people in charge of and working the Train, in whose absence it would be stopped, which it accordingly was, until a late hour of the day about 4 P. M.

6. Mr. Dartnell, the Assistant Traffic Manager, questioned Achoda Nair, the Head Constable, as to his authority for acting as he did, and pointed out to him the consequences of his taking away all the employees from the Train, but the Constable replied that he had a warrant to execute, and that he intended to do so at all hazards. The Railway officials were then taken off to the Sub Magistrate's office at Vetutpoodiangadi, a distance of 2 or 2½ miles. They must have arrived at the Kachiri about 10 A. M., and were detained there until 3 P. M. Mr. Dartnell at once proceeded to Tanoor, distant 9 miles, where the Deputy Magistrate was, and informed him of what had taken place.

The Deputy Magistrate then issued an order to the Sub-Magistrate pointing out to him the danger and loss involved in leaving the Engine, detained as it was, on the line. Mr. Dartnell then returned to Vetutpoodiangadi, which he reached about 2 P. M., and still found the parties in custody, without any appearance of the Sub-Magistrate. He determined to proceed to the Sub-Magistrate's house; but there was an evident disinclination on the part of the people at the Office to assist him in finding his way there. However, on reaching the Sub-Magistrate's house, he found the man who had brought the Deputy Magistrate's Order standing outside with it in his hand. The Sub-Magistrate (it is supposed) being asleep inside, it had not been deemed proper to awake him. Mr. Dartnell, however, soon disturbed the Sub-Magistrate's slumbers. In a very short time, he came to his Office, and all the parties, except Mahomed, the Fireman, were released on Mr. Dartnell's promise that they would be made present when required by any competent Court.

No 3605-

Per 1861-02-10
J. S. S.

1. Achooda Nair, Acting Head Constable.
2. Achooda Menon, Acting do.
3. Kuni Koya, Head Constable.
4. Murikangatil Erass, Constable.
5. Nilanjeri Keshaven, do.
6. Puliadatha Kunen Nair, do.
7. Taramel Shangra Menon, do.
8. Tonakat Chatu Nambiar, do.

7. The body of Police who went to execute the warrant is given marginally. They were armed, three with fire-arms and the rest with swords and batons. The fire-arms were not loaded.

8. The appearance of the Police, armed as they were, must have been most formidable, and the policy of their going thus armed, may be questioned; but the result was that the execution of the warrant was carried out without

any show of resistance; and I find that, had it not been for the determined attitude of the Head Constable, who informed Mr. Dartnell that he was resolved to execute his warrant at all hazards, Mr. Dartnell would have resisted the Police by force. The Police, once they held a warrant, were exculpated from all blame in its execution. Execute it they must, for the law leaves no discretion to a Constable on this point.

9. Once the warrant was issued, the sole responsibility of that act lay with the Sub-Magistrate, who issued it. In the present instance, the conduct of the Sub-Magistrate is inexplicable. He issued a warrant for the apprehension of nine Railway officials, knew that it must be executed at 9-15 A. M., on the arrival of the Train, and that within an hour they (the parties seized) must all be at his Office, *i. e.* at 10 or 10-30 A. M., at the latest, and yet he made no enquiries about them, nor did he come to his Office, as already remarked, until brought to a sense of his duties by Mr. Dartnell's appearance at his house. The only conclusion I am able to come to on the point is, that the Sub-Magistrate must have felt nettled at the way the Constables entrusted with his previous warrant had been carried away to Beypur, and that by way of retaliation, he left the Railway officials in custody to let them feel the weight of his power. The Sub-Magistrate acknowledges that he did not issue the warrant, without due consideration, and yet he left the parties in custody for hours, whilst he alleges he was performing certain funeral ceremonies in his own house.

10. Of the parties seized, two were Europeans, the Engine-driver Mr. Ashton, and a Mr. George Valger, &c. I can well imagine that the Sub-Magistrate was ignorant that they were British born subjects, for he excluded Mr. Dartnell's name from the warrant on the ground that he was a British born subject.

11. Granting that the Sub-Magistrate's conduct was not to be found fault with, in the matter of the confinement of the parties for such a length of time in his Office, he showed, I consider, a great want of discretion in not staying proceedings, on resistance to his first warrant, and informing his immediate superior, the Deputy Magistrate or myself of what had taken place, and requesting further instructions for his guidance. By this course of proceeding, all further trouble would have been saved, and the clashing of the Railway officials and Police been prevented.

12. Mr. Dartnell, Assistant Traffic Manager, and certain Railway employees stand charged with a serious misdemeanor, namely, resistance to process, assault and false imprisonment, and the charge is perfectly true; but I do not consider that for the ends of justice, or on grounds of policy, it is expedient to proceed with it, as Mr. Dartnell, Assistant Traffic Agent, under whose orders the Railway subordinates acted, followed the course he did in good faith, and considered that he was only enforcing such powers as were reposed in him by Sections 16 and 17 of Act 18 of 1854. Of course, he was acting under most mistaken ideas. He was simply placing himself and the Railway Company in a position superior to the law of the land: a misapprehension which, I presume, requires simply to be pointed out in order to be corrected.

13. With regard to the Sub-Magistrate, I think he should be removed from office. I have directed his suspension until the orders of Government are received.

14. The Inspector General of Police should, I think, make arrangements for the location of Constables at the various Railway Stations, and such other localities as may be determined after consultation with the Railway authorities. The subject had engaged my attention, and I wrote from North Malabar to the Superintendent of Police about it; and in reply, or about the time that I should have received his reply, I got a copy of his report to the Inspector General of Madras Police on the case at Tiroor.

15. The Police have been accused of acting without a warrant, and fortifying their proceedings by obtaining one from the Sub-Magistrate, after the arrest of the parties.

It matters little in the eye of the law, which course is pursued, as by Section 22, Clauses 1 and 2, Act 24 of 1859, arrest without warrant is allowed.

ORDER THEREON, 27th June 1861, No. 479.

The Magistrate of Malabar submits a report upon the late collision between the Railway Servants and the Police at the Tanoor and Tiroor Stations.

2. The Government have but few remarks to make in addition to those already recorded in their Order of the 11th instant. From Mr. Grant's report, blame does not seem to attach to the Police. He has correctly stated that when charged with a warrant they had no choice but to execute it at all hazards—and there appears reason to conclude, that had they acted with less resolution at Tiroor, they would not have over-borne all opposition and performed the duty entrusted to them.

3. But the Government consider that the Sub Magistrate of Vetutpoodiangadi showed an extreme want of judgment in issuing a warrant, having for its object the arrest of all the persons engaged in working a Railway Train. There was nothing in the circumstances of the case to render necessary such a measure, which was very likely to produce collision between the Police and the Railway employees and might have had serious consequences. It would have been quite sufficient had the Sub Magistrate reported the proceedings which had occurred at Tanoor on the preceding day to his immediate superior the Deputy Magistrate, or to the Magistrate of the District. His subsequent conduct as described in paragraph 9 of Mr. Grant's letter in delaying to dispose of the case when brought to his Office, was highly reprehensible.

4. The acts of the Railway Servants at Tanoor in seizing and carrying off the Police Constables were wholly illegal and unjustifiable. As remarked by the Magistrate *Paragraph 4.* they have been guilty of a serious misdemeanor and are chargeable with resistance of process, assault and false imprisonment. All that subsequently occurred was the result of this wholly unwarrantable conduct. The Government will not take further measures on the present occasion, in the hope that the case may be regarded as exceptional and not likely to recur—but the servants in question must be distinctly warned and it should be made generally known in the establishment that should such acts be repeated the Law will be fully vindicated, whatever may be the consequences to those concerned in its infraction.

The Sub Magistrate of Vetutpoodiangadi has been suspended and the Magistrate recommended his removal from office. The Government however are unwilling that he should be visited with punishment, as the Railway Servants whose conduct at Tanoor was the originating cause of the whole disturbance, have not been proceeded against. He will be allowed to resume his appointment, but will be very seriously cautioned that should he again be guilty of like conduct and permit his private feeling to influence the discharge of his public duty, he will be at once dismissed from Government employ.

5. The Government have also in their Order of the 11th instant suggested the course to be taken to avoid any misunderstanding between the Railway employees and the Police for the future. They will now draw the attention of the Inspector General to the view expressed by the Magistrate at the close of his letter, that arrangements should be made for the location of Constables at the various Railway Stations and such other localities as may be determined on after communication with the Railway authorities.

(True Extract.)

Signed/ H. Pycroft

Chief Secretary.

To the Magistrate of Malabar.

„ Inspector General of Police.

„ Consulting Engineer for Railways.

Exd. F. Cartledge.

True Copy

*By [Signature]
Up for Coll.*

No. 4323
1864.

Department.

FROM

THE ~~DEPUTY~~ COLLECTOR OF MALABAR.

TO The Chief Assistant Civil Pay Master.

FORT ST. GEORGE.

Dated Calicut the 17th December 1864.

Your Memo No 190 dated 15th Instant.

A revised list of services of P. Raman Menon is herewith forwarded together with copies of the Orders of Government & Board of Revenue quoted in the Remark Column.

If the salary for the period Raman Menon was under suspension between 1859 & 1864, should not be taken into account in calculating the average salary of the last 5 years for Pension, it is requested that the sums entered in Columns 19 & 25 of the Register of Application may be altered to Rs 65-2-11 & 31-9-5 respectively.

It is also requested that the period of service may be altered in the Register to 35-7-24.

A. D. Daniel
Asst. for Collector

M. S.

Recd. 1865-10-10
Sd. 1865-5

The Chief of Police, Boston, Mass.

Dec 28 1855
 Dec 28 1855

Handwritten signature: J. M. Smith

Memorandum showing the particulars of servitude of Potakat Ramen Memon, Sub Magistrate on the establishment of the Malabar Collectorate.

Particulars.	Date when entered service.	Servitude up to what time	Total servitude in each Department years m. d.	Monthly Pay Rs. as p.	Remarks.
Clerk in Surumbranad Taluk	16 October 1827	5 October 1831	3 11 21	4 12 -	
Cazir Gumastra	7 th Ditto 1831	19 th January 1832	3 13 -	7 - -	
Amshi of the Betanad Taluk	20 th January 1832	25 th September 1833	1 8 6	10 8 -	
Ditto of Kottayam Taluk	26 th September 1833	28 th November 1833	2 3 -	10 8 -	
2 ^d Gumastra of Ditto	29 th November 1833	16 th May 1834	5 18 -	14 - -	
Police Gumastra of Palghat Taluk	17 th May 1834	13 th June 1837	3 - 27	17 8 -	
Ditto of Calicut Taluk	14 th June 1837	31 st July 1841	4 1 17	17 8 -	
Head Gumastra of Ernad Taluk	1 st August 1841	30 th June 1848	6 11 -	16 - -	
Ditto of Chouhan Taluk	1 st July 1848	20 th August 1848	1 20 -	18 - -	
Ditto of Ernad Taluk	21 st August 1848	19 th Ditto 1849	1 - -	16 - -	
Ditto of Chouhan Taluk	20 th Ditto 1849	14 th July 1850	10 26 -	18 - -	
Shariatdar of Malawanad Taluk	15 th July 1850	31 st Decr 1851	1 5 17	40 - -	
Sitting Tahsildar of Shernad Taluk (drawing 50 out of 100)	1 st January 1852	16 th February 1852	1 16 -	50 - -	
Sitting Tahsildar of Ditto (on Full pay)	17 th February 1852	31 st March 1852	1 13 -	107 - -	
Tahsildar of Chouhan Taluk	1 st April 1852	31 st July 1854	2 4 -	107 - -	
Ditto of Kuttanad Taluk	1 st August 1854	8 th January 1855	1 5 8	107 - -	
Ditto of Betanad Taluk	9 th January 1856	25 th August 1857	1 7 15	107 - -	
Ditto of Midungana Taluk	25 th August 1857	14 th December 1859	2 3 22	107 - -	
Ditto of Chouhan Taluk	15 th December 1859	30 th April 1861	1 4 17	107 - -	
Betanad Puchangadi Sub Magistrate	1 st May 1861	31 st October 1864	3 6 -	50 - -	
Total			37 19 -		
Debet period under suspension			1 4 25		
Net Service			35 7 24		

Note. The Applicant was absent on leave at different times for one year & two days during the whole period of his servitude as specified below. Substitutes were appointed to act for him.

From 1 st August to 12 th September 1846	15	Sick leave.
" 2 nd to 16 th January 1860	15	
" 17 th to 31 st August 1860	7	Special leave.
" 1 st to 7 th September 1860	7	
" 8 th September to 15 th October 1860	5 15	Sick leave.
" 1 st April to 15 th September 1862	2	
" 23 rd February to 22 nd April 1863	20	
" 1 st to 20 th September 1864	2	
Total	1 - 2	

Malabar Collector's Office
on Circuit, Kalambar 25 Nov 1865

Compd

Malabar
Sgt for Collector

No. 4048.



Malabar Collector's Office
On Circuit
Mlambur 25th November 1864.

13

From

G. A. Ballard Esq.
Collector of Malabar

To

R. W. Lodwick Esq.
Civil Paymaster
Fort St. George.

Sir,

I have the honor to submit
for the consideration and orders of the
Right Honorable the Governor in Council
the Register of an Application for a
Pension from Patakat Naman
Menon, 2nd Class Sub Magistrate of
Betatpudiangadi, accompanied by a State-
ment of his Servitude.

I have the honor to be,

Sir,

Your most Obedt. Servant,

Cassamand
Collector.

No. 4048

Pension 1865-66

W. 55

From

The Collector of
Malabar

W. 55, 8

Dated 25th November 1864

Recd 28th January 1865

Submitting an application for Pension on behalf of P. Ramachandran 2nd Class Submagistrate of Puttappadungadi Malabar

D. 4044

Pension Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers.

The Collector of Malabar (Here enter 25th November 1864 W. 55, 8)
Report of the Civil Paymaster (Here enter 28th January 1865 W. 176)
Order thereon 6th February 1865 N. 44.

From the above report it appears that Puttappad Ramachandran 2nd Class Submagistrate of Puttappadungadi in the Malabar Dist. has been 35-11-2 in the Government service, and that of this period but 30-7-25 are computable for pension while his average salary for the past five years has been Rs. 68-7-8. So that his service, had he been uniformly well conducted, would have entitled him to a good service pension of Rs. 34-4- per mensem. But it appears that during the last nine years of his service he was four times

W. 55

File No. 3720 - *Handwritten*

London. 1865. Department.

No. 44

PROCEEDINGS OF GOVERNMENT.

F. No. 221

Dated 6th February 1865