Revenue Department

Minutes of Consultations

14th September 1858

Book No 17 and 18

Order No 1227 to 9th September 1858

No. 17. Read the following Extract from the Proceedings of the Board of Revenue; dated 3d September 1858, No. 3357.

In Con. 3d September 1858. Read letter from the Acting Collector of Malabar, dated 24th August 1858, forwarding copy of a plaint filed in the District Moonsiff's Court of Wynaad, against the late Acting Police Ameen of Porakaddy, and the late Head of Police of the Talook, with Draft of an answer, and requesting authority to defend the Suit at the public expense.

(Here enter No. 115.)

Resolved that the foregoing papers be submitted for the consideration and orders of the Right Honorable the Governor in Council.

2. The first Plaintiff, who is a woman, and her brother, prefer this Suit against the Officials alluded to above. They allege that the first Defendant, in his report upon a murder case investigated by him, stated, in the absence of any proof or ground for such defamation, and with the view of disgracing the Plaintiffs, that the deceased was murdered, because the fact of his illicit intercourse with first Plaintiff, to whom he was inferior in Caste, had come to light, and they state that such expressions are derogatory to their rank and family. They include the second defendant, because, in his report to the Magistrate, he declared that the first defendant's statement was correct, and they lay damages at 1,000 Rupees with interest and costs.

3. The Acting Collector proposes to plead exemption from liability under Act XVIII. of 1858, which seems proper, as the Acts complained of were performed in the discharge of judicial duties. The remaining portion of the defence is intended to shew that the Ameen and the Head of Police were justified, from the evidence before them, in making the reports complained of.

4. The Board have made a small addition to para. 3 of the defence, pointing out that the communications of the Ameen and of the Head of Police were officially addressed to their Superior, in the discharge of their Public duty, that they were consequently privileged by the occasion on which they were made, and were not dictated by malice.

5. The Board recommend that authority may be granted for defending the Suit, in the first instance, at the public cost.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 18. ORDER THEREON, No. 1227; dated 9th September 1858.

The Governor in Council grants authority for the defence in the first instance at the public expense of the Suit instituted in the District Moonsiff's Court of Wynaad against the late Acting Police Ameen of Porakaddy and the late head of Police of the talook; but will determine when a copy of the Decree is furnished whether the costs, if any be adjudged against the above individuals, shall be borne by them or by the Government.

2. The Acting Collector of Malabar has not stated the date within which the answer to the above Suit is to be filed; the Board of Revenue will therefore call the attention of Mr. Grant to their Circular Order of the 10th November 1856 on the subject.

(Signed) T. PYCROFT,
Chief Secretary.

Rev. Depart.

№ 1227

Extract from the Min of Consultation
Under date the 9th September 1858

Read the following
Extract from the Proceedings
of the Board of Revenue

(Here enter 3d Sept. 1858 № 3357)

The Governor in
Council grants authority
for the defence in the
first instance at the
public expense of the
Suit instituted in the
District Moonsiffs Court
of Wynaad against the
late Acting Police Ameen
of Perahaddy, and the
late head of Police of the
Talook, but will determine
when a copy of
the Decree is furnished
whether the costs, if any
be adjudged against
the

the above individuals shall be borne by them or by the Government.

The Acting Collector of Malabar has not stated the date within which the answer to the above Suit is to be filed; the Board of Revenue will therefore call the attention of Mr. Grant to their Circular order of the 10th November 1856 on the subject.

3 Copies to the Bd. of Revs. Dated 10th
with 4 Encls.

Pleasance 1858 Sept.th
Dy.n to Cons.t 14.th Sept.r

No. 1227.
Extract Minu: of Cons.t
Dat.d 9.th Septr 58.

Granting authority for defending at the public Expense, the Suit now depending in the Dis.t Court of Wynaad, against the late Acting Police Ameen of Porakad-dy & the late Head of Police of the Taluk.

No. 17418.