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Judicial DEPARTMENT

G.O. No. 1171 Press Mis.

17-20

Dated 12—7—19 (Ex.)

Not to be folded or roughly handled

No. 19. Read the following letter from Lieutenant Colonel G. P. CAMERON, C. B., K. C. T. and S. and K. C., Joint Magistrate, Ootacamund; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 19th August 1857, No. 116.

Sir,

1. I have the honor to acknowledge the receipt of your communication of the 15th Ultimo, containing printed copies of the correspondence which has passed between Mr. Thomas and myself, relative to the affair of the Conical milkmen, together with the statement of the former, regarding the same, and his marginal remarks upon the correspondence.

2. Annexed are documents as per margin, which I most respectfully submit, will amply suffice to shew the Right Honorable the Governor in Council, what is the true state of the case, with respect to the matter now before Government, as also the real character of the people, whom it would appear Mr. Thomas has chosen to believe, in preference to myself, and of whom he is pleased to speak as being "quiet and orderly." On these documents I shall offer no comments, but merely relate to Government the part I took in the transaction.

Documents.

Appendix A.

1 Copy of letter from Mr. Thomas, to Colonel Cameron, suppressed on the eve of the correspondence being forwarded to Government.
2 Copy of the milkmen's petition, also not transmitted, to which the herewith enumerations, having been an appeal to Mr. Arogiah, the Sheristadar Judge, who reported it.

Appendix B.

1 Copy of letter from Colonel Hadfield to Colonel Cameron, regarding the affair of the Conical milkmen.
2 Colonel Hadfield's statement regarding the same.
3 Mr. Reed's statement relative to the signing of the bond by the milkmen.
4 Mr. Johnston's ditto ditto.
5 Mr. Simson's letter to Colonel Hadfield, in regard to the character of the milkmen.

Appendix C.

1 Letter of Mr. Ondaatjee, regarding the real nature of the affair of the milkmen, and the conduct of Police Daffedar at Kondal.
2 Copy of the depositions of the Police Armed, Mr. Ondaatjee, on the trial of the milkmen.
3 Letter of the Assistant A. Rogers, Chaplain of Ootacamund, relative to the interference permitted by Colonel Cameron in the affair of Colonel Hadfield and the Kondal milkmen.

3. In the early part of the month of November last, Colonel Hadfield rode up to my office in great haste, to mention that a serious riot was going on at Conical, and that unless the means of quelling it were promptly dispatched to the spot, he much feared the most serious consequences would be the result. I was at the time engaged in the investigation of a suspected murder which had occurred in the neighbourhood of Sugoor, the perpetrators of which I was doing my utmost to discover, and unable to proceed to the scene of action myself, I despatched an order for a strong body of the Police to be sent there, armed, if necessary, with directions to arrest the parties implicated, and bring them at once to the office.

4. The order was promptly obeyed, the rioters were brought up in custody, and I now beg to offer a representation of the scene which presented itself on their arrival, to the numerous spectators, as well as myself. The clothes of the Police Daffedar of the Conical station had apparently almost been torn off his person, the man under him had one of his eyes almost knocked out, with his face frightfully swollen, several of the party of Colonel Hadfield's servants appeared to be in great pain, and I observed severe bruises and weals on their persons, the whole scene bearing the strongest evidence of a prolonged and desperate struggle having taken place. It is to these circumstances I adverted, when in para. 4 of my letter to Mr. Thomas of the 5th March last, No. 33, I said I preferred "the evidence of my own eyesight," a piece of information which he has thought proper to throw discredit on, in his marginal comments.

5. I remanded the prisoners till the murder case was concluded, and then entered upon the investigation of the charges against them of aggravated trespass and assault upon the Police, and others. The case was clearly and distinctly proved against them, as stated by Colonel Hadfield. Indeed, they scarcely offered any defence. I had no doubt to their guilt, and I intended to sentence five of the party, to six months' hard labour upon the roads, and send them down to undergo their sentence in the Jail at Coimbatore.

6. Pending the investigation, the families and relatives of the delinquents came before me, and expressed their great sorrow at what had occurred, they further promised that if I would forgive them, there should be no repetition of the offence, and to satisfy me of this, they voluntarily offered to quit the locality. I had reason to know that they also waited upon

Colonel Hadfield, expressed the same contrition, and made the same offer to him, and that with a view of adhering to it, Colonel Hadfield had obtained, or was about to obtain from the parties of their own free will, a document, or documents by which they bound themselves in penalties, to quit the spot. With the terms or the obtaining of these documents, I had nothing to do, but Colonel Hadfield declared to me that the parties had satisfied him, and requested the matter might be allowed to drop.

7. To these representations, I at first refused to attend, believing that I could not legally do so, but on Colonel Hadfield's repeated and urgent solicitation, I resolved in taking advice do so, but on Colonel Hadfield's repeated and urgent solicitation, I resolved in taking advice from Mr. Wilkins, then Acting Principal Sudder Ameen, as to whether or not I could sanction a compromise of the description. I accordingly consulted him on the subject, fully related to him all the circumstances of the case, stating at the same time my opinion, that if the thing could be done, it would tend to the tranquillity of the neighbourhood, and preservation of the public peace in future. His view of the subject was thus simply expressed. The duty of a Magistrate was to preserve the peace of the district entrusted to his charge, and however much the conduct of the prisoners merited severe punishment, still as the offence they had committed, was one of simple misdemeanor, a compromise was allowable, and under existing circumstances, he thought it might be permitted. I reluctantly acceded, though, as Colonel Hadfield stress, in doing so, I only acquiesced to secure the peace of the neighbourhood.

8. As my peons however had been violently assaulted, I felt I could not overlook the offence altogether. But acting on Mr. Wilkins' advice, and in consideration of the contrition expressed by the prisoners, their promise that there should be no repetition of the offence, their voluntary offer made to me that they would quit the locality, their having satisfied Colonel Hadfield, and his request that the matter might be allowed to drop, I thought that the ends of justice would be satisfied by the infliction of a moderate fine on the defendants instead of a severe sentence of imprisonment, which, under other circumstances, I should have felt it my duty to have awarded against them.

9. I have considered the matter as disposed of, and nothing further passed, till the beginning of January, when one day Mr. Thomas called on me at my office, and mentioned that he had received a petition from some milkmen, making a complaint against me, to the effect that from friendship for Colonel Hadfield, I had shut them up in prison for 11 days, threatening them with irons, and hard labour, if they did not sign a bond under a heavy penalty, to leave grounds they had occupied for the last 20 years, and that in consequence of such menaces, they had been compelled to do so. In reply, I gave Mr. Thomas a general statement of facts of the case, as represented to me by Colonel Hadfield, and the other evidences, and witnessed by myself, at the same time informing him that Colonel Hadfield was almost an absolute stranger to me. Mr. Thomas in reply represented that it would be a hardship on the milkmen to leave the land they had lived upon for so long a time, and expressed a wish that some amicable arrangement should be come to with Colonel Hadfield. I distinctly informed Mr. Thomas (as I had previously explained to Colonel Hadfield) that with the question I had nothing to do, my sole duty in the case being the preservation of the public peace, in my capacity as Magistrate. After some further conversation, Mr. Thomas took his leave, altogether consoling from me, that, acting solely upon the milkmen's petition, without the slightest reference to the opposite party, he had already given advice, which in the petitioners' eyes (and indeed in reality) amounted to a decision in their favor, viz., by telling them, "I think you may remain till regularly and judicially removed by a Court order."

10. I would here offer an observation on two points, much relied upon by Mr. Thomas, in justification of his proceedings, particularly in support of what he calls "advice," but which I venture to repeat was a decision (a decision too, be it remembered, afterwards officially confirmed by him.) First, the illegality of the document obtained by Colonel Hadfield, and next the assertion that the question was "purely a revenue one." With regard to the first of these, the statements now forwarded, clearly show that the bond was voluntarily executed, the stamp paper on which it was written, purchased by the milkmen themselves; written by some person out of their houses, executed in the first instance by twenty-two individuals, not in custody; and only, after all this, taken to the Fort for confinement, (a small minority of the men,) who executed it without compulsion or objection of any kind on their part. If it were illegal, it was a matter of

which Mr. Thomas could take no cognizance. It was entirely a private question between Colonel Hadfield and the milkmen, and its illegality or validity could only be determined by a Court of competent jurisdiction. As regards the question being purely a revenue one, how Mr. Thomas makes it out to be so, no where appears. What effect could it have on the revenue, or its collection? If the mere fact of its relating to the occupation of land could constitute it a revenue question, to be dealt with, and disposed of by the Collector, then every question regarding the tenure of land, would be of the same description, and the jurisdiction of the Civil and Criminal Courts over such, would be entirely set aside. This Mr. Thomas in point of fact admits, when he tells the petitioners that they can only be "ousted regularly and judicially by a process of some Civil Court." Mr. Thomas says it was his duty to protect them in possession, but this could only be applicable in case there had been any attempt to dispossess them by force, when it might have been his duty to preserve the peace in his capacity of Magistrate.

11. Some short time after my interview with Mr. Thomas, I learned from the European Constable of the district, and from the Native Police, that not only had the milkmen not quitted Colonel Hadfield's land, as they had voluntarily bound themselves to do, but that they asserted they had Mr. Thomas' authority for remaining, which I submit they in point of fact had. I communicated this to Colonel Hadfield, who had already been made aware of the circumstance, and some correspondence on the subject took place between him and Mr. Thomas, to which I need not advert, but feeling keenly that the accusation, which Mr. Thomas stated was contained in the milkmen's petition against me, of having acted from motives of friendship for Colonel Hadfield, and influenced by such feeling, having committed a gross act of injustice towards, and tyranny over these people, to be a serious imputation on my character as an officer and gentleman, and being under the impression (an impression, I humbly conceive fully justified by the circumstances of the case,) that Mr. Thomas, acting upon their representation, and therefore placing reliance on it, (and I submit, I could come to no other conclusion) had virtually, if not actually reversed my decision. I addressed him the letter of February 27th, 1857, now before Government, who I trust will not, upon a re-perusal of it, deem it objectionable either in its nature or tone, considering that I had reason to believe Mr. Thomas had given credence to the more unmeasured statements of the milkmen, in preference to that given him by myself, which I distinctly told him, was founded on the depositions I had taken in the case.

12. Shortly after writing this, I happened to meet Mr. Wilkins, who was still residing on the Hills, though not any longer acting as Principal Sudder Ameen, when I mentioned to him what had occurred, and asked him whether the Collector had power to set my decision aside. His reply was to the effect, that Mr. Thomas could only have acted as Magistrate, and could not interfere with the decision of another, judicially arrived at, adding that he was not aware of any regulation, or law, which authorized Mr. Thomas, either as Collector or Magistrate, to interfere in the manner represented. He suggested that I should apply for a copy of the decision, and for information as to the authority under which Mr. Thomas has given such, as there might be something of the sort, the existence of which he, Mr. Wilkins, was not aware of. Under these circumstances, I addressed to Mr. Thomas, the letter of January 29th, in which I trust Government do not observe any thing unbecoming, or otherwise objectionable. I followed this up with my letter of February 2nd, 1857, which I cannot but think, will be deemed as free from objection, as those which preceded it. I would here beg leave humbly to express my hope, with reference to Mr. Thomas' marginal observation, on the first para. of that letter, that Government will concur with me, in considering the milkmen's petition as containing an "infamous slander" both on my public and private character, for nothing I submit, can well be more slanderous than accusing a gentleman, sworn to do justice as a Magistrate, of giving a decision, under the influence of private friendship, for a party concerned in a case he is adjudicating.

13. Previous to my receiving the letter about to be noticed, certain private notes had passed between Mr. Thomas and myself, to which I will not further allude, than by stating, that they tend to show that, up to the time of the unfortunate breach between us, we had got on together as well as Mr. Thomas says he had done with my predecessors. They would not further elucidate the subject, I conceive, but I am perfectly ready, if the Government desire, or Mr. Thomas wish it, to send copies of his notes to me, I kept none of mine to him.

14. On the 11th of February, Mr. Thomas replied officially to my 3 previous letters.

15. Why Mr. Thomas should have withheld a copy of this communication, or how the Right Honorable the Governor in Council should have been led to believe it to have been a private note, I am at a loss to conjecture. But as I deem it a document of considerable importance, I beg to subjoin an exact copy of it.

16. It would appear from this letter, that Mr. Thomas had never intended taking up the question of the milkmen's petition officially, till compelled to do so by my letters. Mr. Thomas, it is true, alleges that he had hoped the matter would be settled amicably, but I cannot collect from whence that expectation arose. I had not given any intimation of my intention of re-investigating the case, or altering my decision on it. It had been finally disposed of by me, not only amicably, but satisfactorily to all parties. Colonel Hadfield had reason to rejoice at the prospect, (unhappily now dispelled,) that his property would in future be secure, whilst the milkmen were delighted to escape the punishment which they had deserved. I beg it may here be borne in mind, that up to this time, Mr. Thomas had *never informed me* of the reply he had given, (amounting, I still contend to a decision,) to the milkmen's petition, and until receipt of this letter, in addition to a private note received a few days before, the impression on my mind, that he had passed an absolute decision, at variance with my own, had never in any way been disturbed.

17. I would now respectfully solicit attention to the words a "verbal, private, and confidential communication," which I must confess, I am utterly at a loss to comprehend the meaning of. Surely Mr. Thomas cannot intend that the conversation he had with me in my office, and to which reference is made in para. 9 of this letter, was of a confidential, or even private nature. I certainly never entertained the most remote idea of its being sought of the kind, nor can I see how he himself could consider it so, when it must have taken place after "the full and careful enquiry" he made on the spot, and which, from his subsequent letters, it appears he thought would be final.

18. How Mr. Thomas can deny, as it would appear by the 3rd para. of his letter he does, that he placed implicit belief in information then before him, I am equally at a loss to understand, after his having given his "advice," if not an actual order to the petitioners to remain where they were. It seems inconceivable that he could have so acted, unless he placed the most implicit reliance on the truthfulness of their petition.

19. I would with the utmost deference and respect, submit to His Lordship in Council, that no language can be conceived more uncourteous and offensive, or more calculated to irritate, than that used in the 6th para. of Mr. Thomas' letter.† In answer to my courteous "applications for a copy of the petition, he tells me, that if he deems it necessary to call for my explanation of my proceedings" (*of course not otherwise*) "he will, if it seems right, send me a copy of it," but he refuses to do so at present, because I am writing officially, on surmises and suppositions of my own, both erroneous and unwarranted, "these surmises and suppositions" being bandied, the result of my investigation in my judicial capacity, coupled with the information derived from Mr. Thomas himself, as to the nature of the petition, had I, in reply to this very offensive communication, expressed myself in terms either uncourteous, or insubordinate, I humbly submit there would have been some little excuse for me, but I apprehend nothing of the sort will be found in my letter of the 18th February, which, on the contrary, I think, even Mr. Thomas must admit, contains nothing but a temperate and courteous remonstrance, that a slanderous accusation against me, *communicated by himself*, should be considered private and confidential, a repetition of some of the facts of the case, as regarded the conduct of the milkmen now *fully* proved, as I trust, to the satisfaction of the Right Honorable the Governor in Council, and a temperate solicitation of my request for the names of my accusers.

† Vide letter of 11th February 1857.

20. But Mr. Thomas was not satisfied with his letter of the 11th February. On the 18th of that month he again addresses me on the subject of my letter to him of the 28th January, and then does so in a manner but little calculated to inform any gentleman possessed of the slightest self respect, to continue a correspondence with him in that tone, which I frankly admit it is always so desirable to maintain, in the transaction of public business. I would here point out an extraordinary error into which Mr. Thomas has fallen; viz., that I have confounded my position as Magistrate with my Military duties, whereas I only endeavoured to show him, that my character as a Magistrate, was inseparable from that of an officer and a gentleman, and that the one consequently could not be impugned, without the other being equally affected thereby, when I might have to answer as an officer, for conduct as a Magistrate unbecoming the character of a gentleman.

21. My answer to this communication, dated 22nd February 1857, stated, in compliance with Mr. Thomas' request, my grounds (which I submit were well founded) for my belief, that he had passed a decision on the milkmen's petition, and requested that the question of our relative positions should be referred to the Session Judge, as the most competent authority to decide it. For I believe, and I respectfully submit, I had reason to suppose, that Mr. Thomas had not that authority over me, which he asserted in the 6th para. of his letter of the 11th February. But I would refer to the 8th para. of my letter for proof of my anxiety to disclaim any intention of discourtesy to Mr. Thomas.

22. I would fain hope, the Right Honorable the Governor in Council will thus see, that up to this time, I had notwithstanding the provocation I had received, conducted myself with no discourtesy, or intemperance, towards Mr. Thomas, but, his letter of the 24th of February, I confess, had the effect of causing me to lose command over myself.

23. Mr. Thomas' statement of facts is it, so diametrically opposed to the truth, as proved by the documents already alluded to in para. 2nd of the letter, his insinuations that I had acted on nothing but private information, and that the enquiry I had made was neither full nor patent, and the offensive more, almost amounting to an accusation of falsehood, contained in para. 8, were more than I could bear, added to this, I for the first time saw the petition to which Mr. Thomas had given such ready credence, and found to my astonishment, that it was a mere common writer's production, neither containing a single name or signature. Under feelings of indignation, (surely not unnatural) at being so treated, I wrote my letter of the 5th of March 1857.

Vide Para. 2.

Vide Para. 10.

24. I would here beg leave to offer some observations on one or two of Mr. Thomas' remarks on that letter. He says (para. 2), that I ought not to write on mere belief. That belief was formed *on his own statements!* Does he mean to insinuate that I ought not to have believed him? Again, he seems to think my expression of surprise was not proper and warranted. Was it not a legitimate ground of surprise, that a document without name or signature, should be acted upon as it was by Mr. Thomas? He then complains of my assertion, "that his enquiry was not full, careful, and impartial?." Is it not proved to be the fact, that his enquiry was *not* a careful and full one? Mr. Thomas says in answer to my observation, that Colonel Hadfield was an important witness in the affair, that "he was the accuser." It would be a strange doctrine if the prosecutor, or accuser in a criminal case was not to be a witness. Mr. Thomas' remark that "he had all their statements before him,", meaning of course Colonel Hadfield's servants, and thereby implying that he himself had taken those statements, in contradistinction to the Joint Magistrate having taken Colonel Hadfield's own certainly does surprise me. It is clearly shewn in Colonel Hadfield's statement forwarded herewith, that Mr. Thomas *never did any thing of the sort**. But if he *did* so, why did he utterly disregard such statements, or how can he in the teeth of them, assert, as he does, that these milkmen are the "quiet, orderly" people he declares he has long known them to be. Before closing these remarks, which I do solely because I am anxious not to trespass further than I can help on the valuable time of the Right Honorable the Governor in Council, (not that I cannot expose all Mr. Thomas' fallacies and errors so easily as I have done those just commented on) I would very respectfully solicit attention to his remark, in answer to mine, that the Principal Sudder Ameen had passed some severe strictures on the Daffadar's conduct, "some such are on the record" and then beg a reference to the record itself, and whilst thus referring to that record, I would with submission call attention to Mr. Thomas' marginal observation on the 3d para. of my letter of February 14th, that "the case before the Principal Sudder Ameen was a *trifling* caste one." How far such assertion is borne out by the Sudder Ameen's decision,* Government will at once perceive.

* Vide Enclosure and extract from the Principal Sudder Ameen's decision.

25. Following up the suggestion in Mr. Thomas' letter of April 30th, and being then under the impression (erroneous as I now deeply regret to find it to be

considered) that I was not subordinate to Mr. Thomas, but as *Joint Magistrate*, his equal; I addressed to him my letter of the 22nd Idem, and with this remark, I conclude my observations on the correspondence, in the hope that the Right Honorable the Governor in Council will see, that where I have been in error, I have been chiefly, if not entirely led into it by Mr. Thomas' own conduct and proceedings, for if he had not acted as he did on the nilkmen's petition, this most unpleasant difference between him and myself could never have occurred.

26. Before concluding, I would very respectfully solicit the favorable consideration of Government, on the explanation I am anxious to afford, as to the erroneous impression I had laboured under, till receipt of the Minutes of Consultation under reply, regarding the relative position of Mr. Thomas and myself. The designation of *Joint Magistrate* led me to believe that it implied perfect equality with the Magistrate of the district. *Joint Trustees* to an Estate, *Joint Executors* to a Will, *Joint Secretaries* to any public institution are all, I believe, undoubtedly equals, each in their own respective capacities, and I accordingly never doubted, when addressing Mr. Thomas, but that I was as *Joint Magistrate*, in every respect his equal, and certainly in no way subordinate to him in the exercise of my judicial functions. This I trust will tend to relieve me from the imputation of having been guilty of any thing approaching to wilful insubordination. I have never denied Mr. Thomas' authority as the head of the District, I have only impugned it as regards my judicial functions.

27. In conclusion, I trust I may respectfully request to be excused from replying in any way to some of Mr. Thomas' marginal remarks, since it would be unbecoming the character of an officer of my rank and standing to do so, from their most offensive and insulting nature in the imputations they are too evidently intended to convey upon my veracity.

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

P. S.—There is one other additional circumstance to which I would respectfully draw the attention of the Right Honorable the Governor in Council, in exposure of the reckless nature of Mr. Thomas' assertions. His first commences by stating in reference to the "quiet and orderly" character of the nilkmen, that he has known them for seven years; he then declares for five and twenty, and ultimately for nearly thirty. In reference to this, I beg to point out, that Ootacamund only ceased to be a Military Cantonment in the year 1841, up to which period it was wholly under Martial Law; it is only fourteen years since it was transferred from the Collector of Malabar to Coimbatore; and that Mr. Thomas has only been two and thirty years in the service altogether, whilst the statement of Mr. Dawson,* and the date of Colonel Crewe's command will show, the nilkmen have been settled in their present locality about four and twenty years only.

* Vide letter of Mr. Dawson, to Colonel Hadfield.

APPENDIX A.

1. *Copy* of letter from Mr. Thomas to Colonel Cameron, suppressed on the eve of the correspondence being forwarded to Government.

2. *Copy of the nilkmen's petition*, also not transmitted, in which the herdsmen admit themselves, having made an appeal to Mr. Ronpell, the Session Judge, who rejected it.

(Signed) G. PAULETT CAMERON.

From E. B. THOMAS, Esq., *Magistrate of Coimbatore*; to Colonel G. P. CAMERON, C. B., K. C. T. and A., *Joint Magistrate of Ootacamund*, dated Cannon, 11th February 1837.

SIR,

1. *In reply to your letters, of the 27th and 29th Ultimo, and first Instant*, I beg to point out to you, that I am now on "leave," and cannot officially enter on the case you allude to, as soon as I return to office, I shall do so, as your present communications will now necessitate. I had not otherwise intended to take up the matter; hoping it would be settled amicably, with which view alone, I mentioned it privately to you.

2. I would beg to remind you, that it is not usual or regular, to make *official* references, (as you have now done) to a verbal, private and confidential communication; such as mine with you was solely intended to be. I must be allowed to deprecate such a proceeding. If I find it my duty to take up the appeal of the nilkmen hereafter, and write to you officially thereon, it will be a more fitting time to write as you now do.

3. Your 3rd para. of your first letter is too ambiguous to allow me to reply to it, but so far as I gather your meaning, you are in error, in assuming that I have placed implicit belief in any information yet before me, or given any decision in the matter.

4. As private notes had passed between us on this subject, you will, I think, on further consideration see, that it would have been better to have waited till I addressed you officially; leaving it to me, in the mean time, to make such enquiries as I might deem right on the matter, to satisfy myself that you have been not misled by imperfect information; which of course is quite possible, without drawing the unfounded personal inferences you do, as regards yourself or Colonel Hadfield.

5. I do not see why either Colonel Hadfield's or Mr. Wilkins' names need be brought forward in the case, and in conclusion, I am compelled to regret, that you should take up a case, only yet mentioned privately to you, so hastily and personally writing to me in quick succession 2 official letters on a subject in which no *public communication whatever* from me, had yet reached you.

6. If I deem it necessary to call for any explanation of your proceedings in the case, I shall, if it seem right, send you copy of the petition addressed to me, at present you are writing officially, on surmises and suppositions of your own, both erroneous and unwarranted.

(Signed) E. B. THOMAS,
Magistrate.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

To E. B. THOMAS, Esq., *Zillah Collector, Coimbatore.*

The humble petition of shepherd-individuals, Ootacamund.

HONORED SIR,

That your poor petitioners, beg most respectfully to bring to your kind notice, stating that 28 years back, petitioners were brought to the Hills, and a spot of ground was allowed for dwelling, and an advance of Rs. (200) for their supply. But few years back, on the means of Rondo, another spot of ground was allowed by Colonel Crew, in which land we having dwelled, the period of 28 years, during our dwelling, one Mr. Clark and Colonel Hadfield, who insisted a claim upon that land, but been to no purpose, and Colonel Bebington has marked our spot of ground, between Colonel Hadfield, Mr. Clark, being so.

But now 3 months back, on our bullocks grazing in the compound of Colonel Hadfield, Do. having composed to insist, to admit several of our dwellers in custody, shut for eleven days, and threatened us to terrify, and Colonel Cameron to please Colonel Hadfield, appointed a fine of Rs. 55, which we having paid, but we were desired, that if we shall not give up our dwelling land to Colonel Hadfield, there will be future, punishment, fines, &c., and without such consent and present by written paper, individuals shall not be released from prisonment, our mortification and consternation compelled to combine the order of Colonel Cameron, and accordingly we have given our consent in stamped paper to give up that land to Colonel Hadfield, on the 11th January 1857, but in default to pay Colonel Hadfield (200) Rupees. But when the time was nigh at hand, and having not convenient ground, applied to T. E. Ronpell, Esq., to grant us time till the

end of March and it here to no purpose, but now on the 11th January, Colonel Hadfield, who gave order that if individuals will not move from this spot will insist to sell each bullock for 2 Rupees to collect the amount, upon such order, we have given up our dwelling land to Colonel Hadfield, from the 13th January and now struggling being our bullocks and family and children without a shelter.

Therefore we now humbly beg your honour will consider our case and the above circumstance we was attacked to be left asstray and grant us your paternal defence for our future intention to the claim our land or either we humbly beg your honor will grant us leave as we may proceed to the station from where we first came by the Honorable John Sullivan, 38 years back, for so doing, we shall ever pray.

We beg to remain, Honored Sir,

Your most humbly servant,
Shepherd individuals.

Total 27, with family, children and cattle.

Ootacamund, }
20th January 1827. }

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

APPENDIX B.

1. Copy of letter from Colonel Hadfield, to Colonel Cameron, regarding the affair of the Combai millmen.
2. Colonel Hadfield's statement regarding the same.
3. Mr. Beard's statement relative to the signing of the bond by the millmen.
4. Mr. Johnston's ditto ditto.
5. Mr. Dawson's letter to Colonel Hadfield in regard to the character of the millmen.

(Signed) G. PAULETT CAMERON.

From Lieutenant Colonel HADFIELD, Veteran Establishment; *to* Lieutenant Colonel PAULETT CAMERON, C. B., A. D. C., and A., Joint Magistrate, Ootacamund, *dated* 3rd August 1827.

Sir,

I have the honor to acknowledge the receipt of your letter, dated 25th Ultimo, enclosing correspondence from Mr. Thomas, and Minutes of the Government thereon; and requesting me to furnish you with a "statement of the events referred to, more particularly the misrepresentations contained in para. 2, accompanied with the evidence of any witnesses cognizant of the transactions, with any observations that I may think proper to offer upon the question at issue." In reply, I beg leave to forward a statement of the facts attending the serious assault committed on my servants by the cow-people at Combai, in the month of November 1826, the whole of which facts, can be fully substantiated, should Government see fit to direct an enquiry into the subject to take place on the spot. I have ventured to offer a few preliminary observations, which I think will tend to throw light on the causes that led to the affray, and I have added some remarks on the extraordinary view Mr. Thomas has thought proper to take of the conduct of the disorderly set of people whom he designates in a letter to me his "clients."

I observe by para. 9 of the Minutes of Consultation, that it is supposed you consulted me on the correspondence; this is a mistake, as I was never consulted by you in any stage of the proceedings. I did however remark (on reading Mr Thomas' letter to your address, dated 25th February 1827, No. 55) that as neither myself, nor any of the complainants, or any witnesses on their behalf, had been afforded by Mr. Thomas an opportunity of saying a word, it appeared to me any thing, "but a careful, impartial and full enquiry."

I would here beg to express my deep regret and concern, that I should have been in any degree the cause of the unpleasant state of things which these documents disclose. I was almost a

perfect stranger to you at the time, and you could have had but one motive in acting as you did, and that was, to preserve the peace and order of the community under your charge.

I have the fullest confidence that the explanation now afforded, will have the effect of materially altering the impression that Mr. Thomas' marginal notes to the correspondence were calculated to convey.

(Signed) A. J. HADFIELD, Lieut. Col.,
Veteran Establishment.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

Statement of the case of the cow-people located on the property of Lieutenant Colonel Hadfield, near Combai, and of the assault committed by them on his servants, in the month of November 1826.

Having been called upon by Colonel Cameron, C. B. Joint Magistrate of Ootacamund, to give an account of the occurrences which took place in the month of November last, when a violent assault was made upon my servants at "Wood-Cock Hall," by the cow people who are located on a part of my property, which formerly belonged to the late Mr. Clark. I would respectfully beg permission to offer a few preliminary remarks, which may tend to throw light on the causes which led to the affray.

According to the statement of Mr. Williams, the Surveyor, (which statement Mr. Thomas admits is satisfactory,) Mr. Sullivan, the Collector of the district, in the year 1822, gave the piece of land in question, measuring 4 acres, 19 grounds, 1368 yards, to the late Mr. Clark, the boundaries of which are clearly defined. Mr. Clarke having occasion to visit Madras, in his absence, Colonel Cleve, the Military Commandant, gave permission to some millmen to locate on the lower portion of the ground. Mr. Clark protested against this infringement on his property, but from want of means, could never succeed in getting rid of them. This intrusion however was not at first of any great importance, as there were only a few people with a score or so of cattle, the cow people being comparatively sober and orderly; but as time wore on, they gradually increased their numbers, until at length they had congregated to the number of between 1 and 200 individuals, and between 2 and 300 head of cattle; all crammed into a muddy, dirty spot near the stream, barely exceeding a covey of land, the people moreover as they acquired wealth, became dissipated, drunken, and disorderly, and a nuisance to the whole neighbourhood. About seven years since, when I bought property in the neighbourhood, I found that those people were in the habit of driving their cattle to graze on the property of every absentee landlord in the vicinity; and when I directed my servants to drive them off my property, these lowborn people turned out in gangs, hooting and threatening them, and rescuing the cattle. This state of things continued for years; when residing on the spot, I managed to keep them within some bounds, but on my going to reside elsewhere, they immediately took possession of the grazing grounds, and had at last so intimidated all my gardeners, that they were afraid to drive the cattle away. Shortly after Mr. Clark's death, I purchased his land, including the ground on which these people are located, and have since paid the Government annual quit-rent for the whole, as Mr. Clark had done for a great number of years. The cow people now finding that my property surrounded them on all sides, came to me and said, that they were convinced that the small spot on which they were settled was no longer suitable for their cattle, and that they were soon going to move to a place ½ a mile off, and requested me to let their calves, &c., &c., feed on my land for a short time; to this I assented; but finding that they made no preparations for moving, I recalled the permission, they then commenced driving herds of cattle on the land as before, defying me and my people. I sent the cattle to the pound by scores, this they cared nothing for, paying the fine, and immediately on their release, driving them on to the land again. I complained to the Joint Magistrate, Colonel Sibbington, who fined them; soon after this they drove their cattle into my garden, and a buffalo carried off a large and heavy gate on his horns, and broke it to pieces. Again I complained to Colonel Sibbington, who then informed me he could do nothing

more, as the Sudder Court had disapproved of his fining them on the former occasion, and had ordered him to return the fine. Colonel Babington however thought that if I caused a deep ditch to be dug, it might prevent them from trespassing, he came in person to the spot, and cautioned them against trespassing in future. The ditch was dug at a considerable expense, but they filled it in immediately. I afterwards filed a suit for damages against these people for trespass, but when the case came for trial, I was informed it must be investigated at Coimbatore, and I withdrew the suit as it was out of the question taking the witnesses to so great a distance."

With these preliminary observations, which will shew the exact position of the milkmen with reference to the land occupied by them, to the general character of their proceedings, and to the habitual trespass by their cattle. I proceed to give a narrative of the occurrences which were the immediate cause of the serious assault committed by the cow people on my servants.

In the beginning of the month of November last, as I was riding in the vicinity of my property at "Woodcock Hall," I observed nine or ten cows feeding in my land, some of them in the kitchen-garden, the owners sitting at their houses in full view of the cattle, making merry. I called several of my servants and ordered them to drive the cattle to the pound, on proceeding to do so, thirteen people turned out en masse and by violent shouting and threatening, endeavoured to rescue the cattle, and it was only by going in person with my servants, that the animals were at length safely lodged in the pound. A few hours afterwards, I observed the same parties drive a herd of buffalos on to another part of my ground, and I sent my gardiners to drive them also to the pound. The owners of the cattle observing my people going towards them, rushed out of their huts in a furious state of excitement, and endeavoured to get between my servants and the buffalos; having partly succeeded, they commenced a violent personal assault on my servants, two of whom I saw knocked down with great force, and another I afterwards found had been severely struck with a *ziar* pounder, both before and after the Police came, it was one of the most outrageous affrays I ever witnessed, I was an eye-witness of this from the neighbouring height, and fearing that serious injury might be inflicted on my servants, I galloped to the nearest Police station, and having obtained the assistance of the Police, returned to the spot, the only Police that were available, I went with them to the scene of the affray, on our arrival I observed that the defendants were still in a violent state of excitement, (I subsequently learnt that they were intoxicated) one man seized the Duffadar by the throat, and another struck the man a violent blow in the face.

Perceiving that the Police were quite incapable of subduing the disturbance, I galloped to the Joint Magistrate's office, and informed him of what had occurred, and he immediately took measures to have the parties apprehended. A few days subsequently, a full investigation into the whole affair took place by the Joint Magistrate, one of my servants had been severely wounded, his face being cut open, another had been severely struck on the face which was greatly swollen, and all had been bruised severely. These parties were all present in Court, and the Joint Magistrate was enabled to form his opinion of the amount of injury they had received at the hands of the defendants, five of whom were convicted of a serious assault, and were about to be punished, when a number of their friends went to my manager "Bongoondien" and entreated him to intercede for them, and save them from the disgrace which would be caused to their whole caste, if the defendants were sent prisoners to Coimbatore, telling him that they had unanimously resolved to remove to a more suitable locality about 1½ miles off, and that as there would now be no end to disputes for the future about cattle trespassing, &c., they thought I might be prevailed upon to drop the prosecution. On my manager coming to me, I declined to have any thing whatever to do with them, saying that they had told me the same story so many times before, that I did not believe them. The next day a number of the headmen came to my house, but I declined to see them. They then sent me a message to the effect that they had all made up their minds to go elsewhere, as they found that the spot they occupied was too confined for their cattle, that to prove that they were now in earnest, they would give me a bond for 1,000 Rupees, to be forfeited if they did not remove by a certain day. Believing now, that they were in earnest, I promised to speak to the Joint Magistrate on their behalf, they themselves purchased the stamp paper, and fixed the day before which they engaged to move. I represented to Colonel Cameron, and the Constable of the district did the same, that it would be for the peace and order of the whole neighbourhood if they would voluntarily remove to a more suitable site, and it was on public grounds alone,

that the Joint Magistrate consented, to what he was led to believe was an amicable arrangement. Their headman from Coonoor had also expressed to me that the defendants were willing to make pecuniary compensation to the complainants whom they had beaten so severely.

As the time fixed for their removal drew near, they were making preparations to go to another spot, some had actually removed. When Mr. Thomas arrived on the Hills, the cow people presented a petition to him, and that gentleman without in any way communicating with me, and placing implicit confidence in what he was told, espoused their cause. On which they immediately returned to the land, and in the excitement of their victory, disturbed the whole neighbourhood by their drunken, and disorderly brawls, for one of which they were committed for trial before the Principal Sudder Ameen. I would here mention that not a single day has passed since their return, that their cattle have not trespassed on my land, and although I have sent scores to the pound they still persist in trespassing. A short time after the affray occurred, I represented to Mr. Thomas that the ditch which was dug by the authority of a former Joint Magistrate, (Colonel Babington) had been filled in by these lawless people, but he took up notice whatever of my complaint. Mr. Thomas says in his endorsement to the cow people's petition, that the case should be fairly tried on its merits in a Civil Court, when he must be well aware, that Mr. Prager did bring an action of ejectment in the Moonsiff's Court, and that the case was tried on its merits, and given against them. On appeal however on a point of law, which the plaintiff was not aware that he was bound to prove, the Judge non-suited the plaintiff, but gave permission for a new trial. A copy of these proceedings is now before me. The Court decisions spoken of by Mr. Thomas in his endorsement to the petition, were called for by the Moonsiff, and the reply as recorded was "they do not relate to the ground in question" the case as before stated was immediately given against them. I would now beg permission to offer a few remarks on such portions of the correspondence, &c. submitted to Government by Mr. Thomas as appear to concern me, and to require explanation at my hands.

Mr. Thomas in his letter to Colonel Cameron dated 24th February 1857, No. 55, paras. 3 and 4 says, "Colonel Hadfield's servants were the aggressors" and attacked the owners of the cattle and the milkmen "defended" themselves, and their cattle, whereas, in appendix A, Mr. Thomas admits, that "the owners came to the rescue of their cattle" thus causing the affray which took place.

I would here respectfully remark, that for this offence alone (the attempt to rescue the cattle) the Legislature have recently passed a law, empowering a Magistrate to award a fine, not exceeding 200 Rupees and imprisonment not exceeding 6 months. Mr. Thomas knew, that this was the *second* attempt at rescue of cattle on that day, and yet he designates it "a cattle trespass only, and mutual scuffle." In para. 3 of the same letter, Mr. Thomas observes "a stamped document is brought to the Choultry by the above Maistre of Colonel Hadfield's "Bongoondien," the petitioners are threatened with heavy fine, jail, and being sent to Coimbatore, they then signed while *thus in durance* a document giving up their homes, and locality of 30 years occupation. The above are I believe incontrovertibly the facts of the case."

The facts of the case are simply these. The stamped document was purchased by the milkpeople themselves. It was written by one of the people residing in their own huts, 22 out of the 27 signatures were then affixed to it and afterwards it was taken to the Choultry by the parties themselves accompanied by their Head man "Canjan" from Coonoor, and only 5 of the 27 individuals who signed the paper were in confinement. "Bongoondien" merely attending as one of the witnesses. The accompanying documents marked A and B will prove, that the bond was signed of their own free will.

In the marginal note on Colonel Cameron's letter dated 5th March 1857 No. 55, Mr. Thomas says "the evidence was in each and from all parties (but Colonel Hadfield) personally." How Mr. Thomas can make this assertion I cannot conceive, as it is directly opposed to the facts. He did not examine personally any one of the four witnesses brought forward by the complainant, and on whose evidence the Joint Magistrate convicted the defendants, neither did Mr. Thomas give any intimation whatever to the complainant of his intention to re-open the investigation which at Coimbatore; and although Mr. Thomas admitted fresh evidence for the defendants, he afforded the complainants no opportunity whatever, of refuting any falsehoods, that might be put forward, or of producing many other witnesses (amongst others "Bongoon-

duct" himself) whose evidence was tendered to the Joint Magistrate when the investigation took place, but rejected by him as unnecessary, he having already more than sufficient to prove the charge against the defendants.

These are but a few of the many inaccuracies that appear on the surface of Mr. Thomas' proceedings; but their refutation would devolve with the Joint Magistrate rather than myself. I will therefore confine myself, to an appeal to the Right Honorable the Governor in Council to decide, whether the investigation held by Mr. Thomas at Coimbatore, was "*full, careful, and impartial*," and I most respectfully solicit, that Mr. Thomas may be required to cancel the endorsement he has thought proper to put on the petition of the *cow people*, the endorsement containing matter contrary to facts, and the petition itself being altogether untrue.

Ootacamund, 3rd August 1857.

(Signed) A. J. HADFIELD, Lieut. Colonel,
Veterans Establishment.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

A

Ootacamund, *July* 2nd, 1857.

Colonel HADFIELD.

Sir,

This is to certify that I was witness to the bond being signed at Kondel, by the milkmen, and that they were not compelled to sign it, but did it willingly.

(Signed) DANIEL BEARD.

(True Copy.)

(Signed) G. PAULETT CAMERON, Lieut. Colonel,
Commanding Neilgherries, and Joint Magistrate.

B

Ootacamund, *3rd July* 1857.

To Colonel HADFIELD.

Sir,

I beg to state that I was present when the whole of the milkmen now occupying your ground (headed by their head man from Coonoor) came forward of their own free will and signed a stamp document that they would vacate your ground by the 11th of January, or forfeit 1,000 Rupees. This occurrence took place about the beginning of November last, I was a witness to the document.

I consider them noisy set and a complete nuisance to the neighbourhood, and they ought to be located some place outside the Cantonment. They have a great destruction to my property year after year for the last five years.

(Signed) W. B. JOHNSTON,
Builder.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

Ootacamund, August 4th, 1857.

To Colonel HADFIELD.

Sir,

I take the first opportunity to reply to your letter of the 29th Ultimo, and regret that absence at Coonoor, for the past week, prevented my doing so sooner. You ask me as an old resident, in fact the oldest European resident at this station, to state what I know of the habits and character of the milk people located at the foot of "Woodcock Hall" hill. It has been my misfortune to have resided for the last sixteen years within sight and hearing of nearly the whole of the huts known by the name of the milk village, and occupied by a most dishonest and disorderly set. I say dishonest, as the records of the Police Office at this station can testify; not 18 months ago, I had occasion to prosecute several of them as well as my own head gardener, for stealing several dozens of cabbages and cauliflowers from my garden in open day light; and not a month ago, I detected the head man of the village and a keeper of a large herd of buffaloes, and his daughter passing through the compound of one of my empty houses, each with a load of weeds tied in cumblies, I insisted upon having them opened, when I found an exceedingly fine cabbage, evidently stolen by them or which some gardener had stolen from his master's garden. They are in the habit of giving bribes to gardeners to admit them to their master's gardens under the pretence of cutting grass and weeds for their buffaloes. I also know them to be a drunken and disorderly set from the frequent quarrels that take place in the village, particularly at night and during the native festivals; my attention is often called to these nuisances by the ladies and gentlemen residing in the Hotel. There is also another species of nuisance to which all residents in the neighbourhood having gardens are subject, the wilful habit of driving their cattle into private gardens during the night and taking them home before day light, the ravages which these animals commit are incalculable and often irreparable, in the destruction of young trees and shrubs, I have also at different times reported to the authorities here, the great injury such large herds of cattle is to populous neighbourhood, do to the public roads by breaking down the banks, and causing the water courses to choke, and risking the lives of passengers. I need not refer to the gross outrage committed on yourself and servants a few months ago by these people, I had hoped with my European neighbours that the result would have been their expulsion from this neighbourhood, at least as decreed by the Magistrate and consented to by themselves.

I arrived on the Neilgherries in 1834, and was much with the late Colonel Cywer, then Commanding the Neilgherries, who several times told me that he had permitted those people to locate themselves as a temporary measure, where they now are till a more suitable locality could be selected, but he was not aware till he had done so that the land belonged to Mr. Clarke. Mr. Clarke was at this time absent in the low country, and when he returned, found the land occupied, for which he was paying quit-rent to the Government, agreeably to his plan and lease, and did so, I believe, till his death in 1852. I have only to add that I hope you may succeed in ridding the neighbourhood of this public nuisance.

(Signed) H. B. DAWSON.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

APPENDIX C.

1. Letter of Mr. Ouchterlony, regarding the trial before him of the milkmen, and the conduct of the Police Daffadar of Kondel.
2. Copy of the decision of the Sudder Ameen, Mr. Ouchterlony, on the trial of the milkmen.
3. Letter of the Revd. A. Rogers, Chaplain of Ootacamund, regarding the riot, and disturbance, caused by the milkmen, and their general character.
4. Letter of Colonel Miller, Artillery, upon the same subject.
5. Letter from Colonel Miller to Colonel Cameron, as to whether the duties of Joint Magistrate were "*in abeyance*" as asserted by Mr. Thomas, during the period the former acted as Commandant of the Neilgherries.

6. Letter of Mr. Wilkins, late Acting Sudder Ameen of Ootacamund, relative to the compromise permitted by Colonel Cameron in the affair of Colonel Hollicot, and the Kondul millionen.

(Signed) G. PAULETT CAMERON.

From the Principal Sudder Ameen, Ootacamund; to the Joint Magistrate, Ootacamund, dated 2nd July 1857, No. 106.

Sir,

In compliance with the request contained in your letter of this day's date, I have the honor to send herewith copy of the judgment passed by me in case No. 8 of 1857, which was forwarded to me by you to be disposed of.

2. In reference to your further request that I would give you my opinion upon this case and of the parties concerned in it, as arising from extra judicial knowledge that I have acquired, I can have no hesitation in communicating to you as follows.

3. In my proceedings in the case, I, as you will observe, found it necessary to comment on the conduct of the Police Duffadar, who stationed at the very spot, pretended to have heard nothing of the disturbance till summoned by the complainant, and then he sought to account for not being able to identify the offending parties by the monstrous act, if true, that he called out to the disputants as he approached the scene of disturbance. My impression at the time was that his silence had been purchased, and this has only been confirmed by what I have since heard, both of the disturbance itself and of the wealthy means (for their station) of the offenders.

4. In respect of the actual disturbance, it was a short while after my judgment that a friend who resided at some distance from its scene, happened casually to allude to it, observing that in the people was so violent and outrageous, that it made him fancy something very serious going on, and that, even at the distance he lived at, it prevented all his family from getting any rest during the time it lasted.

5. Yet the Duffadar on the spot deposed that he heard nothing of it! He must either have projected himself, or be totally unfit for his post. I must confess that I looked for his removal from it consequent upon the remarks made in my judgment, without the subsequent confirmation of its necessity.

6. In respect of the general character of the people, I live too far off to know any thing personally, but I cannot be deaf to the remarks and complaints of those who live in the neighbourhood, and who describe them to me as a set of lawless vagabonds, who living greatly upon the milk from buffaloes that they keep, feed their animals by setting them at liberty or driving them into the neighbours' compounds to eat whatever may come in their way. The destruction thus caused is apparently not the only nuisance they form, they are perpetually quarrelling amongst themselves, and it is well known with what noise and with what unmentionable fashions of language this is characterised when occurring amongst such low caste people as these are. It was pretty well developed before me in the enquiry I made, even with the superior evidence that was adduced.

(Signed) J. OUCHTERLONY,
Principal Sudder Ameen.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

Report of persons apprehended in the talook of Ootacamund, Zillah of Coimbatore, and delivered to the Principal Sudder Ameen of Ootacamund in the month of February 1857.

No. of the case.	Names.	Crime charged against the Prisoner.	Mode in which the prisoner was disposed of, and when discharged, the grounds thereof.
8	Mooneyammah, prosecutrix. *sworn.* 1 Nelly. 2 Yerramah. 3 Moroodorah. 4 Rangan. 5 Vencatasawmy. 6 Poochee. 7 Ramasawmy.	ASSAULT AND AFFRAY. With having at 8 o'clock in the night of the 4th February 1857, in shepherds street at Cannidal, Ootacamund Talook, Neilgherry Zillah Coimbatore, collectively assaulted and beat the prosecutrix and Mootatchee, Mooneyammah and Mootatchee and cut a string of gold beads and coral valued at 60 Rupees from the neck of the prosecutrix causing the loss of some of the beads, and made a great disturbance and affray on the said occasion.	The witnesses in this case, with the exception of the Duffadar Balerkhan, are from the same place and community as the prisoners, and have given their evidence against them with palpable reluctance, which in respect of those who made the original charge of assault is not natural, when it is found that they are relations of the prisoners. There is little doubt that for the continuance of the affray and the disturbance, the prosecutrix, and female witnesses were as much to blame as the aggressors; but amidst all the ignorance manifest by the low class from which these witnesses are drawn, it is manifest that an affray did take place, and that what may have originally been an accident in the 3rd prisoner's cow eating the grass belonging to the prosecutrix was made an aggressive act by her conduct when called upon to tie it up. She and the 1st prisoner, it is proved assaulted the prosecutrix and the evidence of the 3rd witness, Mootatchee, shews that the 6th prisoner Poochee actively assaulted her. It is also proved by the evidence of the prosecutrix and 1st and 2nd witnesses, that the 2nd prisoner Yerramah took a very active part in the affray; and the evidence of the 5th witness implicates the 4th prisoner Rangan, in the attack upon the prosecutrix while others depose to his presence, but against the 5th and 7th prisoners there is nothing satisfactory. The whole evidence goes to shew that there was a disgraceful disturbance and affray, women and men fighting and abusing each other at a time of night that must have made it a public nuisance. The 6th witness Mooyyathem who showed evident reluctance to speak against the prisoners, deposed strongly to this, and the offence is greater in this light from its being such an obvious disturbance of the public peace. I am not satisfied with the conduct of the Police Duffadar, Balerkhan, while the witnesses say that the disturbance lasted an hour, he pretends not to have heard it because of being within his tannah; he does not interfere till the prosecutrix makes a direct complaint; and then he calls out to the parties as he approaches the spot, as if to warn them to disperse, which they did. Looking at all the features of this affray, which I regard as proved against 1st, 2nd, 3rd, 6th and 6th prisoners, I sentenced them to pay a fine of 10 Rupees each, in default, to one month's imprisonment with hard labor, while I acquit the 5th and 7th prisoners, under Section VII, Regulation X of 1816. I should make the fine a heavier one, but that the parties appear to be all related.—12th February 1857.

Ootacamund,
Principal Sudr Ameen's Court,
2nd July 1857.

(Signed) J. OUCHTERLONY,
Principal Sudr Ameen.

To the Joint Magistrate, Ootacamund.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

To the Officer Commanding Neilgherries, &c., &c., &c., dated Ootacamund, 19th July 1857.

Sir,

In *reply* to your letter of the 25th Instant, I have the honor to inform you, that ever since I came into my present house, "*Blackwood*," I have been constantly annoyed by a set of milkmen, who live, at a rough calculation, about 600 yards from the lower gate of my compound.

At first they persisted in making a thoroughfare through my compound, to other gentlemen's houses, and as they were very abusive to me and to my servants, I was compelled to appeal to the Constable of the district. Directly this nuisance was partially stopped, their cattle were allowed from about dusk in the evening to run rampant over my garden and premises, and did no great damage, they broke down my fences, and seriously injured my gates, one they charged and destroyed the iron work, as the Constable of the district can testify, for the cow was taken to its owner's house, and he was brought up by the Constable and shown the damage, and promised to repair it, but has never done so, the other gate which was lately put up by the landlord, Captain Scott, at a great expense, and which is very strong and heavy, was literally forced off its hinges, and hanging by the iron fastening. And as to my garden, they destroyed and trampled down my flowers, devoured my strawberry plants, and consumed the larger portion of my fine English rye-grass which was just ready to be cut, my potatoes also have suffered materially from the encroaches of those animals and my stock of straw which I had in reserve for my own cattle, was subject to nightly depredations from the cows of these milkmen, and what they did not eat, they trampled under foot.

I have the very best reason to believe that these cattle were regularly driven into my compound every evening, and every attempt to catch them failed; for, if pursued, they are furious, and they have more than once endangered the lives of my children, and are a continual source of annoyance to myself and family, and I have had serious thoughts of leaving the house in consequence.

With regard to the "riot and disturbance" caused by these people on a particular night, I can only say I have often heard a great deal of noise from that quarter, and one night especially, I remember it occurred, and on meeting Colonel Miller the next day, I think, though his house was further distant from these people than mine, he complained bitterly of the disturbance.

I have no hesitation in saying that these milkmen are a very bad lot, and are a positive nuisance to the neighbourhood.

(Signed) ALEX. J. ROGERS, M. S.,
Chaplain.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

To Lieutenant Colonel G. P. CAMERON, C. B., *Joint Magistrate of Ootacamund, dated July* 30th, 1857. No. 19.

Sir,

1. In *reply* to your letter of yesterday's date, (No. 96), I have the honor to inform you that, some time in the early part of the year, when I was residing at Rosewood, I was one night awakened by a shameful disturbance, which I at first believed (as did Mrs. Miller) was in my compound. On getting up however to ascertain what was the matter, and put a stop to the noise, I found that it came from the quarter where the milkmen you refer to live, and which I should judge must be at least 600 yards from Rosewood. I heard a few days afterwards, that they were in confinement on account of this riot.

2. Of their character *generally*, I know nothing beyond what I have heard, viz., that they are a troublesome set, but I can speak to such of them as I have had any dealings with being thoroughly dishonest. I was forced to give up getting milk and butter from their head man, as he

cheated me in *every way* he could. On one occasion, he complained to me that *his cows* one had robbed him of a portion of a bill, amount of which I had paid to the latter for him; and such was actually the fact!

3. When I was recently officiating for you as Commandant, Lieutenant Colonel Hadfield preferred a complaint against these milkmen for driving their buffaloes into his grounds to the serious injury of his grass, flowers, &c. The case, with which I of course could not interfere, appeared to me a very clear one, well calculated to give much annoyance to any proprietor; but, when it was enquired into by the Tahsildar, the complainant could get no redress, (although I believe he was himself an eye-witness of the trespass) because there was no *legal* proof of the owners of the buffaloes being concerned in having them driven into his grounds: and yet the little boy, caught in the act of herding them there, was the son of one of the parties he complained against!

(Signed) W. H. MILLER, Lieut. Colonel,
Artillery.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

To Lieutenant Colonel G. P. CAMERON, C. B., &c., &c., &c., Commandant and Joint Magistrate, Ootacamund, dated August 5th, 1857, No. 20.

Sir,

1. I have the honor to acknowledge receipt of your letter of this date, and to say, in *reply*, that it appears to me, Mr. Thomas, whom he put forth the unqualified assertion to which you refer, viz., that "the duties of Joint Magistrate cannot be very heavy, as they were in abeyance for two months during Colonel Cameron's leave," must have done so in ignorance of the fact, that, excepting those cases, which admitted of being postponed, without detriment to the public service or injury to individuals, and such as could be adjudicated by the Tahsildar, without reference to you, or by Mr. Thomas himself when on the spot, you continued, whilst I acted as Commandant for you, to perform your Magisterial duties, whenever there was occasion, (which I believe was by no means infrequent,) and that too when attention to them could not but have been peculiarly inconvenient, considering the state of your health at the time. I speak confidently on this point, because I was in constant communication with you on such subjects, agreeably to your desire, that I would always keep you informed of every thing I deemed it advisable or desirable, you should be made acquainted with. The subordinates in your office can doubtless corroborate this, if necessary, having frequently had to wait on you at your quarters with cases requiring your decision or confirmation, after investigation by the native Police authorities here.

2. As to whether your duties as Joint Magistrate be heavy or the reverse, I perhaps am not a very competent judge, but, so far as I have had opportunities of forming an opinion, I certainly have been led to the conclusion, not only that they are neither few nor unimportant, but that, if the Magistrate of Ootacamund do his work himself (not leaving it to his subordinates to do for him,) his appointment is by no means a sinecure; indeed, just the reverse. To the zealous, energetic and impartial manner in which the duties of Joint Magistrate and Commandant have been conducted during your tenure of office here, the whole community would, I am persuaded, willingly bear testimony.

(Signed) W. H. MILLER, Lieut. Col.,
Artillery.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

To Lieutenant Colonel CAMERON, c. B., &c., &c., &c., dated Ootacamund, 30th July 1857.

Sir,

I beg to acknowledge the receipt of your letter of the 29th Instant, with its enclosure, which letter I return.

In answer, I have to state that in the months of November and December last, while I was acting Principal Sudder Ameen at this station, you informed me that a trespass in Colonel Hadfield's property at Woodcock Hall, accompanied by a serious assault on his servants and your peons, had been committed by certain persons resident in or near the village of Kombai, that the case was then under investigation by you, that the parties had expressed great contrition for their offence, and have made or agreed to make arrangements satisfactory to Colonel Hadfield, to prevent a recurrence of it, and that he was desirous of withdrawing from the prosecution, but that you had doubts whether, as a charge had been preferred before you, you could allow him to do so, and you asked my advice on the subject.

I told you that as the case appeared to be one of single misdemeanour only, there was no legal objection to a compromise, that it was of common occurrence in England in charges before Magistrates in cases, of assault especially to allow the defendant (to adopt an expression in use in the Magistrates' offices in London) "to speak to the prosecutor."

I deeply regret if by following my advice you have incurred the displeasure of the Right Honorable the Governor in Council. But I feel confident that, if his Lordship will condescend to refer the matter to the law officers of Government, it will be found to be correct.

(Signed) J. H. WILKINS.

(True Copy.)

(Signed) G. PAULETT CAMERON,
Joint Magistrate.

No. 99. ORDER THEREON, No. 1171; dated 15th September 1857.

The circumstances which led to this communication are detailed in Extract Minutes of Consultation, dated 15th June, No. 680, wherein Lieutenant Colonel Cameron was called upon to explain his conduct in having refused to acknowledge the authority of the Magistrate of the District, and having addressed that Officer in a manner which called forth the following observations: "The Governor in Council cannot sufficiently express his concern that a public servant "of Lieutenant Colonel Cameron's standing and experience should have permitted himself to "make use of such language and evince such temper in official correspondence as are here displayed. In any case the terms of his letters as from one public functionary to another would "be extremely indecorous, but from one in his position addressing the head of his department, "they appear to mark the very height of insubordination." The Government would be glad to "know that there is any the least excuse for his conduct."

P. 10. 2. On the first of these points Lieutenant Colonel Cameron now expresses his regret, that he had laboured under an erroneous impression regarding his position from construing that his designation of Joint Magistrate showed that his powers were co-ordinate with the Magistrate's as regards Judicial functions. He adds a hope that this explanation will relieve him from any charge of "wilful insubordination" especially as he had never denied Mr. Thomas' general authority as head of the District. The Government merge this explanation, but must regret, that the Joint Magistrate had not made himself accurately acquainted with his official position, and functions, and they expect that care will be taken to avoid occupying the time of Government, hereafter, with unnecessary discussions of this nature.

3. On the second point, on the improper tone of his letters to the Magistrate, Lieutenant Colonel Cameron enters into a detail of the dispute between Colonel Hadfield's servants and the milkmen, to show that he had cause for offence at the view taken of his proceedings by the

P. 11. Magistrate. He however maintains that up to his letter of 23rd February he had treated the Magistrate with courtesy, but acknowledges that he then lost command of himself, attributing the cause to Mr. Thomas' letter of the 24th Idem, and he afterwards expresses a hope "that the Right Honorable the Governor in Council will see that where he has been in error, he has been chiefly, if not entirely led into it by Mr. Thomas' own conduct and proceedings."

4. With this reasoning the Government cannot feel satisfied, and they have already recorded their opinion, that Mr. Thomas' remarks in passing his final* order on the appeal petition, were temperate and conciliatory. Without however entering into the disputed points of the Magisterial case which it is the province of the Judicial authorities to decide, they are disposed to make some allowance for the irritation caused by the manner in which this appeal was entertained and investigated. Mr. Thomas was in error in noticing this case while on leave of absence instead of referring the milkmen to the Officer in charge of the District when they made their petition to him.

5. It remains briefly to notice the deed taken from the milkmen while in confinement, agreeing to give up the ground which they have hitherto occupied, and move to another place. As pure, 10 the Joint Magistrate observes, that this deed was executed by 22 persons not in custody, before it was signed by their five relatives, the prisoners, but this fact does not alter the impropriety of allowing this deed to be executed under the circumstances in question. The relinquishment of the land was clearly not an act of pure free will, but agreed to for the purpose of obtaining liberation from custody and accusation, and Lieutenant Colonel Cameron fails to perceive that in proportion as he considered the charge serious and now describes the milkmen as dangerous rioters and disturbers of the peace, his own proceedings became open to question for allowing them to escape punishment by a compromise and for giving sanction to an agreement which could not be supposed to be executed freely and voluntarily while a criminal charge was hanging over the party who signed it. If the milkmen had really been willing to give up their land, the Magisterial case should have been first disposed of and then arrangements entered into for moving the milkmen to a new piece of ground.

6. The present agreement being informal is not to be enforced by the Magistracy, and the milkmen are not to be disturbed in the possession of their land except by due course of law, for which the establishment of a Court at Ootacamund now gives all proper facility. But looking to the fact that several respectable house-holders encroach to their disorderly habits, the Government are of opinion that in order to prevent future disputes, the Collector and Magistrate should bestir himself to induce these people to change the site of their habitations.

(Signed) E. MALTBY,
Acting Chief Secretary.

Rad. P. Cartridge.

there had been any attempt to dispossess them
by force, when it might have been his duty
to preserve the peace in his capacity of
Magistrate.

11. Some short time after my interview
with Mr Thomas I heard from the European
constable of the district, and from the Native
[illegible], that not only had the Natives not yielded
Colonel Hadfield's claim, as they had voluntarily
bound themselves to do, but that they asserted
they had Mr Thomas's authority for thus doing;
which statement they in pursuit of [illegible] had
I communicated this to Colonel Hadfield
who had already been made aware of the
circumstance, and some correspondence
on the subject took place between him and
Mr Thomas to which I was not a party;
but finding, ultimately that the information which
Mr Thomas stated was contained in the
Natives' petition against way of having
acted from motives of friendship for Colonel
Hadfield, [illegible] feeling, having

— If they really had really been willing to give up their land to [illegible] no other place they would not have happened

— Not to the settlement who were taking their land and little means [illegible] take the attack made upon [illegible] old homes & dwelling places by the people of this country

of reinvestigating the case, or altering my
decision on it. It had been finally disposed
of by me, not only amicably, but satisfactorily
to all parties. Colonel Hadfield had reason
to rejoice at the prospect, (unhappily now
dispelled) that his property would in future
be secure, whilst the Natives were delighted
to escape the punishment which they had deserved.
This it may here be borne in mind, that up to
this time Mr Thomas had never informed me
of the reply he had given (amounting I still
contend to a decision) to the Natives' petition,
and until receipt of this letter, in addition to a
private note received a few days before, the
impression on my mind, that he had passed
an absolute decision at variance with my
own, had never in any way been disturbed.

17. I would now respectfully submit
attention to the words a "verbal, private, and
confidential communication;" which I must
confess I am utterly at a loss to comprehend

the meaning of. Surely Mr Forman cannot suppose that the manner in which he had acted was in any degree to unlock Information which he knew of from the letter, given of a confidential, or even professional character, certainly never entertained the most remote idea of the thing, until after the Board, was over. How then could he suppose that, what it must have taken place, after the full and careful enquiry, take in case on the spot, and which from the subsequent letter, it appears he thought right not to be final.

18. How Mr Forman can deny or it would appear by the Bd have shewn the letter to be true before him, I am at a loss to understand, after his having given his "solemn" opinion to what appears to the Petitioners to be untrue. It seems unreasonable that he must have taken pleasure, after the full and careful enquiry take in case on the spot, and which from the subsequent letter, it appears he thought right not to be final.

19. Should not the interest of depositors may more respectfully submit to Sir Randolph and Board, that an enquiry may be instituted

[illegible] and that he made [illegible]
[illegible] point after the manifest [illegible]
of these papers - that Lt. Col. Commandant
of the district of Sylhet [illegible]
pressure with [illegible] upon the
he (Col C) had abused his trust was
like wise proved & made out that
he quitted his position & joined
his petitioners - & thereby gave expression
to opinion as to his subordination
of [illegible] petitioners - for which he was

[illegible] [illegible]

leaving - a which had it not been - we he
have retained from performance of his position
~~transaction~~ affair like misdemeanor
~~misconduct~~ as his further have refused
~~refusing~~ ~~thing~~ language
and he became [illegible] [illegible]
Amendments and before Senate Select Committee
had made case for indictment.
about getting nomination
Not only is this appeal opposed but there
seems without question by two Houses
but he carries on what he knows to
Authority unconstitutional investigation - by leaving

a Civil action should not be brought
against [illegible] by any one detained
care [illegible]

Col Mansfield is a humbug - chief
Statement - & he obstinately asserts
that it was not his letter - but has
end of the table - who spoke the Ap
Impeachment about Removal of State
people & it appears very probable - that
those who have not the Confinement
& it up to him the whole from his
dispute - which there passed by
Hastings upon them -

Great evidence

It would have been much better had he
dared appeared [illegible] permitted by Col Cannon
& he had restricted himself to stating the
case of appellee

Col Redfield's not join in any Argument
this of this appeal - I think by how Thomas
& I think - it much more probable one.

Gov Thomas has a perfect right to Block
up the entrances of such people as have
to protect
& to defend them - if they are unjustly treated.
But I must suppose - that his instead of
having so in that case it is by opposing

16

for from interfering: & I think he
he might to endeavour to make them
transgress Thomas these people
to [illegible] from being struck
& murdered - as it is shown they
are by the Evidence of Several respec-
table Merchants of Baltimore -

I am for more strength of
Opinion - that this did he done
because I am aware - that these

great many

– For orders. –

– The main point in this case was the joint
Magistrates' inadvertence in
breach of the Magistrates' auth-
-ority – See P 26 Col. Cameron
which states that he discards
– Stark his position as Joint
Magte and declares any
decree to show "wilful misbehav
– haviour"
In the case of the two disposed
of, as to Govt consider it ne-
-cessary to go into the merits of
the Magisterial case which
led to the collision.
I presume that the Settlers
are not to be disturbed in
the disposession of their Lots
except by an order of a Civil Co

Yrs

1
118
Jan
1872
1429

Extract from the Minutes of Council dated 13th September 1797

Read Letter from Lt Col Cameron Senior Magistrate of Pittsburgh dated 19 August 1797

The circumstances which led to this communication are detailed in Extract of Council dated 13th June No 865 where Lt Col Cameron was called upon to explain his conduct in having refused to acknowledge the authority of the Magistrates of the District and having addressed that Officer in a manner which called for the following censure

The Governor Council cannot but severely reprehend his conduct as a public servant of the Col. Cameron standing in relation must have permitted himself to make use of such language & to conduct himself in such manner as are here displayed. In any case the terms of his letter as from one Public functionary to another would be reprehensible unless from one in his Position addressing the head of [illegible] they appear to

entering into the disputed points of the Magisterial case, about it is the province of the judicial authorities to decide, they are disposed to make some allowance for the irritation caused by the very nature of their appeal to the controversial topic.

Sir Thomas Munro's conduct arose from his strong sense which has always a tendency to give warmth to official communications. A Court has no wish to discourage free & unfettered correspondence between their officers, but the mode of communication to be adopted for the transaction of administrative business must be left to the discretion of the parties concerned. The Appeal from judicial details — the Appeal from judicial sentences, ~~otherwise~~ when different views of facts & evidence are taken, is for every one to admit the object cannot be for any communication to be made in this official form.

The Court are ~~of~~ willing to attribute the warmth which Sir Thomas has displayed in the progress of the Dindigul dispute to the public & official importance of the subject. But they think that some of the expressions which he has used in his letters of the 8th & 9th instant are of a censurable character. The violent & unmeasured language employed by Lt Colonel Cameron is much beyond that of any disputed expression which has been found in Sir Thomas's proceedings to call for animadversion, and must be pronounced to be entirely

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amounted to official proceedings, & so injurious to the due course of public business, that Govt must warn the Court Magt of the necessity of abstaining from it in future, & placing a censure on record.

5th - It remains briefly to notice the leave taken from the evidence while on the punishment appearing to give up the prisoners which they have hitherto occupied, & to another place - In 8 10 the Court stated that this leave was executed by 22 persons out of custody, before the departure by their own relations the prisoners, but this fact does not alter the case of allowing this leave to be considered under such circumstances as to amount to the relinquishment of the punishment of fine per se but as appeared to the Court obtaining leave absent from the purpose of ~~being~~ obtaining the Collector's permission and ~~of~~ a reduction of the fine ~~to~~ which he considered the offence deserved, ~~& that~~ the evidence as to the ~~fact~~ ~~of~~ ~~the~~ ~~Court~~ ~~was~~ ~~not~~ ~~to~~ ~~be~~ ~~found~~ ~~in~~ ~~the~~ ~~Sessions~~ ~~Court~~ ~~proceedings~~ ~~to~~ ~~enable~~ ~~them~~ ~~to~~ ~~pronounce~~ ~~any~~ ~~opinion~~ ~~on~~ ~~the~~ ~~subject~~ ~~of~~ ~~the~~ ~~leave~~ ~~granted~~ ~~to~~ ~~the~~ ~~prisoners~~ ~~to~~ ~~absent~~ ~~themselves~~ ~~from~~ ~~the~~ ~~Court~~ ~~of~~ ~~Sessions~~ ~~to~~ ~~obtain~~ ~~the~~ ~~Collector's~~ ~~permission~~ ~~to~~ ~~pay~~ ~~the~~ ~~fine~~ ~~by~~ ~~instalments~~, but the Court are of opinion that the evidence as to the Court proceedings, & the Collector's letter of the 9th, is sufficient to show that the leave was granted to the prisoners to obtain the Collector's permission to pay the fine by instalments, & that the Court of Sessions was not consulted on the subject. The Court are of opinion that the evidence as to the Court proceedings, & the Collector's letter of the 9th, is sufficient to show that the leave was granted to the prisoners to obtain the Collector's permission to pay the fine by instalments, & that the Court of Sessions was not consulted on the subject.

2 for fixing Attention to an agreement which could not be departed from by the [illegible] while a criminal charge was hanging over the head of the [illegible] Settlers freely & voluntarily [illegible]

Settlers had really been willing to [illegible] part of their Land, the Magistrates Case & Should have been first informed of the arrangements entered into for removing the Settlers to a new piece of ground

7 - The present agreement, being referred to the approval by the Magistrates, and the Settlers are not to be disturbed in their possession of their Lands except by due course of Law & Justice by a Court of Petty Sessions unless upon the specific charge

But for the prevention of future quarrels, it is desirable that they should change to another site, if they can be induced to do so, either by the grant of pecuniary compensation or the offer of another piece of ground

The Police keeps will endeavour to make arrangements for this purpose

But looking to the fact that most respectable Settlers would rather hesitate to take up a piece of ground that in order to prevent future disputes the Police keeps should later on all to induce their people to change their habitations

To the Magistrates of Smithton } Sept 15th

Sent to Le Exp to Lourdes
for 1857 Page 62.

Ex Sy from 15th Sept.

Judicial 1857 depart.

No 1171

Abstracts of Warrants of Accounts

for 23rd September 1857.

Charles Gilpin

1920

C. 44th July 1837 ch. 7748.
Common Law

J. S. Littler to Chief
Sec. Com. Aug. 1837

Penn. 62

In 84 Vol. 15 Tab. 11

Judicial. 1837. Sept.

Sch. A. 1177

Town of St. Genl. G. P. Cameron
Police Magistrate of Cote.
Commands — No. 116.

St. 19.
Aug. 26 Aug. 1837

No. 1383.
Hewlo

Submits explanation
relative to the case of the
Canadian Militia
Returned —