MR. O. 1—33,050—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No. 520 44–45	Press ~~Mis.~~
Dated 5 — 8 — 1857	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 5th May 1857.

No. 44. Read the following letter from HENRY RICKETTS, Esq., Commissioner for the Revision of Civil Salaries and Establishments throughout, India ; to T. PYCROFT, Esq., Chief Secretary to the Government of Madras, dated 29th April 1857, No. 970.

Sir,

I have the honor to submit for the consideration and orders of the Right Honorable the Governor in Council, copy of a correspondence which has taken place between the Court of Sudder Adawlut, and myself, respecting the remuneration of Principal Sudder Ameens, and Subordinate Judges.

2nd. The duties, the authority, the jurisdiction of Principal Sudder Ameens, and Subordinate Judges, are precisely the same ; the salary of the Subordinate Judge is Rupees 1400 per mensem, the salary of the Principal Sudder Ameen is Rupees 500 per mensem. Both classes are Subordinates of the Sudder Adawlut. The salaries of both classes are under revision. I ask the Court to favor me with their opinion whether such a difference in the salaries of the two classes, doing precisely the same duties, is justifiable, and request them, as the question is one of general interest, and does not merely concern these parties, to give full explanation of their sentiments on the subject. The Court decline to express any opinion in the matter.

3rd. This is the strongest case of remuneration, with reference to class, I have yet met, and I was very desirous to have the opinion of the Court as to the propriety of the distinction. As I represented to them, the question presses for decision. There are several cases of a similar character, but this is the first case I have met with in which there was no difference of any sort or kind in the duties performed. It is, I think, from consideration of such practical cases that the question will be forwarded to a decision, and not by discussions on its abstract merits.

4th. The salaries of Subordinate Judges cannot be revised and adjusted without virtually deciding, as far as regards offices of this grade, the relative claims of the two classes ; and the decision that may be come to as to these two offices, must have considerable influence on the decision of the question as regards other offices, to fill which *qualified Natives* are to be found. It appears, therefore, most desirable that authorities in the position of the Court of Sudder Adawlut, who have controlled, and are now controlling both, should record their opinion of the fitness of the existing scales of remuneration.

5th. It is by collecting and presenting in a digested form the opinions of the experienced, who have actually been concerned in the administration of affairs by means of the parties whose performance of the same duties is so differently remunerated, that the solution of this difficult question can be advanced, and I trust the Right Honorable the Governor in Council will see fit to intimate to the Court that there is no objection to their complying with my request to have the assistance of their views on the subject.

(Signed) HENRY RICKETTS,
Commissioner for the Revision of Civil Salaries
and Establishments throughout India.

From GEORGE ELLIS, Esq., Register to the Court of Sudder Udalut ; to HENRY RICKETTS, Esq., Commissioner for the Revision of Civil Salaries and Establishments throughout India, dated 25th April 1857.

Sir.

1. I have the honor by direction of the Judges to acknowledge the receipt of your letter of the 26th Ultimo, requesting to be favored with the Court's opinion whether the difference in the remuneration of Assistant Judges, and Principal Sudder Ameens, (these two classes of Officers doing precisely the same duties) is justifiable.

2. The Court of Sudder Udalut desire me to state, that the question proposed for their consideration is not merely to be regarded in a financial, but also in a political point of view,

as it involves the further consideration of how far it may be possible for the Government of India to dispense with European Agency, and to substitute in its room, a body of Native functionaries. They are not, therefore, prepared at present to express their opinions on this point, or upon that as to whether the Government were justified in fixing the salary of the Assistant Judges on a higher scale than that of the Principal Sudder Ameens.

(Signed) GEORGE ELLIS,
Register.

(True Copy.)
(Signed) JAS. A. ROBERTSON,
Assistant to Commissioner.

From H. RICKETTS, Esq., Commissioner for the Revision of Civil Salaries, &c.; to the Register to the Court of Sudder Adalut; dated Madras, 26th March 1857, No. 861.

SIR,

It appears that the power and authority of a Principal Sudder Ameen, and of an Assistant Judge, are precisely the same in every respect, while the salary of a Principal Sudder Ameen is Rupees 500 per mensem, or Rupees 6,000 per annum, and the salary of an Assistant Judge is Rupees 1400 per mensem, or Rupees 16,800 per annum. I shall be obliged if the Court will favor me with their opinion whether this difference in the remuneration of two classes of Officers, doing precisely the same duties, is justifiable. Whatever view the Court may take of this subject, it is very desirable that they should enter into the fullest explanation of their sentiments with respect to the relative claims of European and Native Officers, for opinions differ very widely, and the question presses for decision.

(Signed) H. RICKETTS,
Commissioner for the Revision of Civil Salaries
and Establishments throughout India.

(True Copy.)
(Signed) JAS. A. ROBERTSON,
Assistant to Commissioner.

No. 45. ORDER THEREON, No. 520; dated 5th May 1857.

The Commissioner for the Revision of Civil Salaries and Establishments submits for the orders of Government a correspondence which has passed between himself and the Court of Sudder Adawlut.

2. The Commissioner had inquired of the Court whether the difference in the remuneration of Principal Sudder Ameens and Subordinate Judges, both classes of Officers performing exactly the same duties, was in their opinion, justifiable. The Judges decline expressing an opinion observing that the question is not merely to be regarded in a financial but also in a political point of view. Mr. Ricketts explains the reasons which have led him to make the reference to the Sudr and trusts that it may be intimated by Government to the Judges that "there is no objection to their complying with his request to have the assistance of their views on the subject."

3. The Right Honorable the Governor in Council considers that there certainly is no such objection, but on the contrary that it is very desirable that the Commissioner should have the advantage of knowing the sentiments of the Sudder Court in full on a question to which he attaches so much importance in connection with his general enquiry. The Government resolve to communicate Mr. Ricketts' letter to the Court with these remarks.

(Signed) T. PYCROFT,
Chief Secretary.

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My Dear Mr

I have been directed by Government to request that they may be favored with your opinion upon the description and general state of the Native population of the Ootacamund Cantonment, of what classes it is principally composed, and what is their social and moral condition —

Believe me
Yours obediently
J.P.

January 1857 –

D Ross Esqr –
Lt Col Cameron CB
Revd. Mr Evans.

Same to Revd H
Taylor for Jacka-
-talla & Coonoor

Judicial Department

Official Memorandum

The Chief Secretary to Government has the honor to request that the Principal Sudr Ameen at Ootacamund will at his early convenience furnish a Return shewing the Number of Civil Suits filed in his Court since its Establishment distinguishing..

1. Those in which both parties were Europeans.
2. Those in which one was European & one Native.
3. Those in which both Plaintiff and Defendant were Natives.

As also a Statement shewing the Criminal business in his Court since it opened..

The Principal Sudr Ameen at Ootacamund is also requested to submit his opinion on the state and description of the Native population at Ootacamund, the classes to which they chiefly belong—their moral and Social condition..

Fort St. George
January 1857.

Chief Secretary.

To
The Principal Sudr Ameen at
Ootacamund

Judicial Department

Official Memorandum

The Chief Secretary to Government has the honor to request that the Collector of Coimbatore will, at his early convenience, furnish Statements giving information on the following points.-

1. The Number ~~of Villages~~ of cultivating ryots on the Neilgherry Hills- ~~of Cultivating Ryots extent and value of their holdings in the aggregate Classification of properties under 10 Rs.- 10 to 20- 20 to 50.-~~ and aggregate assessment paid by them upon their lands

N. B. By Neilgherry Hills, in this and the following queries is meant the whole plateau of the Hills together with the slopes, including that part of it comprehended within the Malabar District- the whole extent in fact falling under the jurisdiction of the Principal Sudr Ameen of Ootacamund- It is requested that Mr. Thomas will obtain from the Collector of Malabar the necessary information as regards that portion of the Hills within his District and include it in the Return.

2. Number, ~~and extent in each case~~ and value of landed properties held by Europeans or Natives respectively for special purposes, Coffee planting, farming &c ~~[illegible]~~

(~~Names of proprietors.~~)

3 Number and aggregate value of House properties including compounds at the respective Stations of Ootacamund — Coonoor — Jackatalla and Kotagherry and in the immediate vicinity of those places classified — (~~with names of proprietors European or Native~~) —

Houses & grounds Below 1000 Rupees Value.

Between 1000 & 3000 Rupees

3000 — 5000 Rupees

5000 — 10000 Rupees.

Above 10000 ———

It is not expected that the Values of these properties can be given otherwise than approximately but a rough Estimate will be sufficient. —

4. Number of population of the several Hills Stations — Ootacamund — Coonoor. Kotagherry — Jackatalla

Europeans {
1. Permanently resident. —
2. Casual but continuous, ~~or~~ and merely fluctuating as to numbers —
}

3. Natives

as also 4thly the numbers of the various Hill tribes ~~respectively~~ on the Neilgherries

The Collector is also requested to submit his opinion on the State and Description of the Native population at Ootacamund and the other Stations on the Hills — the Classes to which they chiefly belong — their moral and social condition. —

Fort St. George }
January 1857 }

Chief Secretary. —

To
The Collector of
Coimbatore

On Cons: 5 May 1857.
Ind: No. 520.

Demi official references for information on the state of the population & property on the Neilgherries to –
The P S Ameen
– Collr of Coimbatore
Lt Col Cameron
Revd Mr Evans
Revd Mr Taylor
Mr Ross. –

Judicial Department.

No. 716.

From
The Commissioner for the revision of Civil Salaries &ca
Dated 29th April 1857.

For Orders.

The Sudder should be desired to give their opinion in full.

2.2.57]

Ootacamund
28th January 1857

My dear Mr Pycroft.—

1. In answer to your communications of the 20th Instant relative to the Native population of the Neilgherries, I am under the necessity of informing you, that I fear you will not find me dissentient of opinion to what I have mentioned. viz. that the larger portion is the very worst throughout India, being indeed the refuse of every race from one extremity of the Madras Presidency, to the other. I of course do not include in this category, the Todawars, and Burghers, the primitive inhabitants of the Neilgherries, (although I regret to say their character is much changed for the worse from what I remember it a quarter of a century since) the description I here gave, applying solely to

T. Pycroft Esqr.
&c &c &c
Principal Secretary
to the Government of Fort Saint George

to the emigrants from the low country up to these regions, forming the far greater portion of our population, now closely bordering upon forty thousand souls, relative to whom perhaps, on the principle of one fact being worth a volume of theory, I cannot do better than cite the following examples, in corroboration of what I have mentioned — 1st. The Tehsildar, or Native head of the Police has informed me, that of three fourths of the class of the population here, are not either [illegible] convicts, or recognized, or unacknowledged Criminals, they are certainly fully qualified in every way to be ranked as such. — 2ndly No sooner does a felon, swindler, or person of any description under the ban of the Law, abscond, or escape from any part of India, no matter how distant, than the very ordinary distinction is paid to the [illegible] that he has sought refuge here, as the [illegible] Sanctuary of every crime, and disorder, a full description of the culprit being forthwith transmitted to the Commandant, and Magistrate, from the chief authority of the place, Commissioner, Judge, or Collector, stating for his information, that the criminal was known, or naturally supposed to have proceeded to Ootacamund or some of the neighbouring stations.

2. Burglaries, robbery with violence, murder, and other serious Crimes, are it is true now comparatively rare, the unsparing rigour with which they have been punished for some time past, and the persevering exertions used to detect the authors of these outrages when they occur, now when undue [illegible], having effectually repressed them, but they have taken another shape little less injurious to the interests, and welfare of the country, and the resident Community, and a regular system of fraud, and intimidation has succeeded, which the de facto state

state of the Law unfortunately admits of being practised with impunity, and which is so glaring as to excite the strongest feelings of indignation and irritation, among Gentlemen from the Civil, and Military Service in the Bengal, and Bombay Residencies, in both of which, a very different system prevails. — Acting upon this principle, unprotected ladies, with children, who engage Servants here to replace those who originally accompanied them from the home country (but who soon leave from inability to stand the climate) are constantly exposed to imposition, extortion, and even actual insult, while on the plea of taking contracts and engagements for work, advances are required, and given, which constantly terminate either in the parties absconding, or seemingly telling the unfortunate dupes there remains to them the Small Causes Court the only mode of redress open to them, though the

the cumbrous delays, and technicalities of which they hope to escape, or failing this, follow the example of those already adverted to, in being miles away when they have reason to believe an adverse decision is about to be pronounced against them. — In this latter point, not only individuals, but the Government have at times suffered severely, in the loss of time, as well as money, in the construction of public works now in progress, and those of a nature imperatively, and urgently necessary.

3. Nor are what I have enumerated the only evils arising from the state of things there described. — In imitation of their European prototypes, of similar character, by whose example they are not slow to profit, and knowledge of the imperfection of the Law, invariably induces threats of prosecution, both in the Supreme, and Mofussil Courts for punishment however justly, or legally inflicted, and when it is found that these are disregarded, and despised, recourse is had to every species of calumny, and defamation, from which no class of officials is exempt

where both parties
were Europeans 21 Suits
where one was European
& one Native — 53 "
where both were
Natives — 152 "
Total 226

3. The Total Commitments has been, 35 cases committed to the Criminal Court and investigated, of which
there were convictions in 10
acquittals in 11
committed to
Session Court 7
disposed of as Justice
of the Peace 7
Total Cases 35

4. In the first month of the present year the Civil suits instituted have been nearly double the average of the preceding, which may be taken to denote an increased confidence in the Court, likely to be more permanently looked at in another point of view. Any prediction on thoughts at [illegible] only resolutely to have tested the

the flood of perjury that inundated the Hill Courts, and I have followed him in the same endeavours. A few examples of its punishment, and a conviction in the native mind that liability to it will not be passed over, have, as the Tahsildar here informs me, had the effect of staying false suits & false defences; for though a party might be tempted thus to act for his own benefit, there is a stronger influence now in operation to deter witnesses from appearing to support him than the trifling emolument for which he could formerly purchase such testimony. Of course the producing of this influence requires care & discrimination lest parties should be deterred from resorting to the Court, and thus in the view that the increase of suits instituted in the first month is satisfactory, for on the face of them they all appear to be legitimate

legitimate actions.

5. On the Criminal side the same authority, the Tehsildar, informs me that violent crime has greatly subsided, and that the active operation of the Court has driven away from the place most of the bad characters who formerly thronged it. Robberies are still committed; but the delinquents are generally private servants of whom as a class I shall have now to speak in submitting my opinion (in compliance with the requisition in your Memorandum) on "the state & description of the native population at Ootacamund, the classes to which they chiefly belong, their moral & social condition."

6. The Native population of Ootacamund, irrespective of the Burghers or cultivators and the Todas, may be divided into three classes: – the 1st and most respectable consisting of the better class of shopkeepers Timber & other merchants and the head Officials in Public Departments; the 2nd of artizans, bazaar men and domestic servants; and the 3rd of the lowest kind of menials and Coolies. The 1st Class embraces but few in numbers, perhaps scarcely reaching 40, and they generally maintain a station of credit & respectability; but the moral & social condition of the two other classes, who are very numerous, is one of a very low order, such being in a degree influenced by various causes of which I will proceed to speak.

7. Natives, who have not had an experience of some duration of the effect of the climate of the Hills upon their constitution, have generally a great dread of resorting hither. They believe that the greatest suffering must be caused by the cold & wet; they attribute to the Hills all the diseases of the [illegible] that are often contracted in the Jungles at their foot; and they are further deterred by the considered

concerned absence of all opportunity of indulging habits which they rank as the comforts of life. As a consequence respectable Natives will not visit the place unless under some pressing necessity, and then but for a temporary stay; and with others it is too commonly the needy or those whose characters are unfavorably known on the plains who alone come to swell the resident Native population. When such objections exist on the part of the men, they are still stronger with Native females. One of the chief impediments to Natives of respectability remaining on the Hills is, that the females of their family, from fear of the climate, will not join them; and the same cause operates with all classes to leave the *married* population a very scant one at Ootacamund. The consequence of this is, that kept women abound, or are almost universal; and though not having promiscuous intercourse, they are of a class who do not hesitate constantly to change their protectors, while these appear to be quite indifferent as to the caste or class of the females with whom they thus live. Even with married women who come to or are residing on the Hills, there appears to be a too frequent abandonment of their husbands for other protection, or loose conduct without actual desertion. Where such then is the prevailing character of the female population, it is scarce necessary to add that there must be a general state of demoralization in Native Society.

8. The next cause that operates towards inducing the same result, is the extent to which ardent spirits are consumed. This is a question that concerns revenue; but no amount thus realized can compensate for the moral evil that the facility of acquiring spirits entails. The worst offenders