M.R.O. 1—33,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 162	Press ~~Mis.~~
1- 2	
Dated 27-1-1938	

Not to be folded or roughly handled

No. 1. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Coroth in Wynaad, 18th December 1857, No. 179.

SIR,

1. I have the honor to submit copies of the proceedings of two meetings held respectively at Calicut and at Cochin on the dates shown in the margin, with a view to bringing into operation in both these towns the Municipal Act XXVI of 1850.

Calicut, 4th May 1857.
Cochin, 14th November 1857.

2. The introduction of the Municipal Act into the different towns of Malabar, has for years been an object of anxious exertion with me, as I am satisfied that local taxation for such purposes is the first and indispensable step towards a proper re-organization of the Police of the country, and the establishment of the Sanatory measures so emergently called for in all our towns.

3. The time is fully come for this. But the law is defective—fitful exertions are being made by different Magistrates, but most are utterly discouraged, and I feel confident that I express the feeling and opinion of every official in the country, European and Native, when I add that with the law as it now stands, it is wholly impossible to give effect to this most proper and enlightened intention of the Legislature.

4. I attempted years back to induce the inhabitants of that increasing and thriving town, Palghaut, to adopt the Act, but failed. I "got up" a meeting at Calicut in May last, with the same object, and "obtained" the resolution submitted, and I have now gone so far as to appraise the value of all property* in Calicut, but I do not dare to hope that the intention can be carried successfully through the last step and ordeal provided for it by the law.

* About 20 lacs.

5. When at Cochin recently, I requested the Joint Magistrate to convene a meeting, which was very numerously attended, and the resolutions now submitted were carried, but I have since received a numerously signed petition which satisfies me that any further attempt in the matter, would prove a mere source of ridicule.

	Export.	Import.	Total.
1853-54	17,55,840	16,74,178	34,30,018
54-55.	17,10,559	16,71,567	33,82,126
55-56.	16,27,274	24,56,438	40,83,712
Total.....	50,93,673	58,02,183	108,95,856
Average.....	16,97,891	19,34,061	36,31,952
Tot l of 1856-57....	19 45,770	26,17,185	45,62,955
Increase.....	2,47,879	6,83,124	9,31,003

6. The case of Cochin is a peculiarly vexatious one. Cochin is a large and wealthy commercial town, where houses and landed property are at this moment very valuable, and daily improving in value. The exports and imports last year exceeded in value, the average of the 3 preceding years, by Rupees 9,31,003. The town contains a population of 11,326 inhabitants, within a small and confined area, and an unusally large proportion of this population consists of European merchants,† &c., Dutch families,‡ East Indians‡ of intelligence, influence and respectability, and well paid artisans. There is no house or Moturpha tax in Cochin, and the greater part of the population does not pay one stiver of taxation. Cochin, is at the same time the most expensively officered

† All of whom are most anxious to see the town furnished with a proper Police, &c., and cordially willing to pay for it.

‡ These will do nothing and oppose the movement.

Salary of Principal Sudr Ameen at Cochin with that of his Establishment.

‖ Monthly		1,007
Annually		12,084

Salary of Fiscal of Cochin with that of his Establishment.

¶ Monthly	363	13 6
Annually	4,366	2 0

Total annual cost of Establishment..... 16,450 2 0

§ Fusly 1266.

Land Revenue	Rupees	18,345 1 9
Mohturpha	,,	807 11 0
Abkarry	,,	6,150 0 0
Ferries	,,	815 0 0
Rupees.....		26,317 12 9

N. B.—A considerable proportion of the land is Manyom.

Revenue	Rupees	26,317 12 9
Establishment	,,	16,450 2 0
Proportion	,,	62 8 per cent.

town in Malabar (perhaps in the Presidency) having a Principal Sudr Ameen‖ and Joint Magistrate with his expensive establishment, and a Police Fiscal and Revenue Sheristedar with a Subordinate establishment¶ equal almost to that of a full Talook, &c., &c., the revenue derived from Cochin (Customs Revenue§ of course excepted) amounts to Rupees 26,317-12-9 which small as it is, is chiefly derived from the rents payable to Government on certain public lands, wharfs, &c.

7. The proportion the revenue bears to the establishment maintained, will be gathered from the marginal statement.

8. In the midst of this prosperity, the town remains undrained, unlit, unpatrolled; privies and cess-pools have a place in every house, while there is a very large amount of property exposed to fire and depredation, &c.

9. The present condition of this town and of the other large towns in the country ought no longer to be tolerated, but to tax further the imperial revenues for the local purposes of a wealthy and thriving town like Calicut, &c., were preposterous.

10. I venture to bring under the consideration of Government, whether the time has not arrived for a reasonable and practical Legislation on this important subject. Along the sea coasts of India, and on the great high-ways of traffic throughout the country, large and populous places are springing up, or old towns are increasing with wonderful rapidity. Measures of Sanatory and Police regulation press earnestly for the attention of Government. But while it is precisely these wealthy communities which contribute least to the imperial revenue, it would be wholly unjust and impolitic to meet these purely local requirements from the public income of the country. A miserable make-believe of a Police* is maintained for these towns by the State, and in a few instances a futile attempt is made to overtake the sanatory wants and claims of public convenience by Convict labor, likewise maintained by the State. But it is surely time that this should change. The Town Police is every where inadequate and useless, but I would not add a man to it at imperial expense. A system of in-door labor will shortly be introduced into our Prison administration, when the other beggarly expedient will disappear. In the mean time measures ought to be taken withour further delay, to secure local funds to meet these growing exigencies.

* N. B.—In most towns in India (to every one in Malabar) it will be found that the so called Police scarcely sufficies to meet the requirements of a day Police, and Office Messengers to the Ameens, Cutwal, &c., Offices, and most Magistrates are forced to countenance a most unjust and unequal system of patrol, to make up these deficiencies at night. We cannot hear the discredit of gang robbery, thefts, &c., taking place in our districts and in our towns, and we are forced to keep up a compulsory and unrequitted watch and patrol by the people. The grievous burden of this does not fall on those who have wealth to protect It is not the Banyan or Mopla Merchants with half a lac of Rupees perhaps in his counting-house who furnishes the guard. It is the poor Cooly who after a day's toil has to patrol 2 and sometimes more nights in the week to guard accumulated wealth, of which he has no share It is a miserable system but in our impotence our consciences must be stifled. I for one am ashamed of it

11. I do not think that a Legislative enactment of the character of Act XXVI of 1850, could be worked even in enlightened England; in India it is out of the question. The provisions of the law must be made compulsory, when the necessity and desirableness of raising a local fund, for the object of this Act has been clearly established, to the satisfaction of the Local Government.

12. But not only is the Legislation as it now stands utterly inoperative and impractical, but its effect is bad, if not dangerous.

13. Practically speaking, the initiative depends on the Magistrates moving earnestly in the matter. He perhaps canvasses for months beforehand all the Natives who visit himself, and he explains to them and through his officials his views, a meeting is then gathered together of the respectable people of the town, a few of whom attend from a variety of motives. Enlightened or sly officials (with nothing at stake as a general rale) are zealous, no one actually gainsays at the meeting the Magistrate's sweet charming, and should any one do so, the matter before the meeting is so reasonable, so clearly to the advantage of the public, that apparent unanimity is

Fort St. George, Judicial Consultation, 2nd February 1858.

easily restored or a majority is quickly packed. The meeting closes with such conformatory resolutions as I now submit to Government. But in fact the whole movement at once becomes a mere challenge to the public, to engage in a systematic and combined resistance before which as the ill-doers readily learn, the Magistrate and the Government Officers are utterly impotent, however reasonable, enlightened and benevolent their intention. The covert managers of this resistance are too often the most prominent assenters at the public meeting. The masses are canvassed with the vulgar untrue argument that the movement is "one of the tricks of the Circar, to get money "to send it to England" and are urged to oppose. Arzees pour in, appraisers of rateable property appointed at the meeting are interfered with, and the Public Officer has to retire from the struggle beaten by the lowest of the people. The plan of resistance, novel as yet, may be extended in a manner which will prove most inconvenient.

14. This is not I think a safe state of the law in such a country as India; and after having attempted to obtain assent to the introduction of the Municipal Act into 3 or 4 towns, I have come to the clear opinion that the only advantage of these movements is to prove to the Legislature, that the law is useless, if not worse. But this fact is established at no small sacrifice of the credit of the local officer, if not of the Government.

(Signed) W. ROBINSON,
Acting Magistrate.

Proceedings of a Meeting held at the office of the Collector of Malabar, on the 15th December 1856, with a view of introducing the provisions of Act XXVI of 1850, in the town and suburbs of Calicut.

First.—Read the Act and propose that it be introduced, and the Government moved to take the steps to give it effect.

Proposed by the Acting Magistrate, and seconded by the representative of the Zamorin Rajah, Katiat Govinda Menon. Carried unanimously.

Second.—Proposed by the Acting Magistrate, and seconded by Mr. J. L. Platel.

That the Assessment be based on an estimate of the immoveable property within the limits of the town and suburbs of Calicut, extending from the Kalay river on the south, the Conolly Canal on the east, the Sea Beach on the west, and the Varakel Umblom on the north. Carried unanimously.

Third.—Proposed by Mr. J. L. Platel, and seconded by Moossen Cootty Adjee.

That the valuation of each individual's immoveable property, be ascertained by means of a Punchayet. Carried unanimously.

Fourth.—Proposed by Peroombay Coonjoo Menon, and seconded by Mr. W. Bates.

That the following individuals compose Punchayets for the above purpose.

1 W. Robinson, Esq.,
2 H. D. Cook, Esq.,
3 Katiat Govinda Menon, representative of the Zamorin Rajah.
4 Madilagath Kreshna Menon, do. of Kirake, Kovilagom.
5 J. L. Platel, Esq.,
6 Coonjoo Menon, Esq.,
7 Chooria Canaren, Esq.,
8 Mr. W. Bates.
9 Calinguel Choy Cootty.
10 Kadyar.
11 Chovakaren,
12 Tattan Kandy Moossan Kootty Ajee.
13 Koonath Ajee Koya.
14 Moochandigath Abdool Coya.
15 Avokur Moolandeagath Coonhy.
16 Palakiril Mamaly Ajee.
17 Mithele Vittil Shoopen Shetty.
18 Karambally Oony Choora Cooroop.
19 Arakil Raravoony Nair.
20 Karaat Imbichy Painkar.
21 Kolasherry Mooydeagy's son Ahmod Ajee.
22 Erakel Choy.
23 Manakat Chandoo Cootty.
24 Kolery Naimboodry.
25 Kanholy Theya Menon.
26 Kolasherry Ahmod Coya.
27 Karisherry Chandoo.
28 Kaloor Chandoo.

(Signed) W. ROBINSON.
Acting Collector.

At a general Meeting held at Cochin, at the Joint Magistrate's Office, under date the 14th November 1857.

Proposed by W. Robinson, Esq., and
Seconded by J. Oughterson, Esq.,
That E. Cullin, Esq., be requested to take the Chair.
Carried unanimously.

Proposed by W. Robinson, Esq.,
Seconded by J. Oughterson, Esq.,
and carried by a majority.

1. That this Meeting deems it expedient that application be made to the Governor in Council, to order the Act 26 of 1856, to be put in force within the town and suburbs of British Cochin.

Proposed by R. H. Peirce, Esq.,
Seconded by Mr. F. T. Lloyd,
and carried unanimously.

2. That the necessary funds be raised by a rate levied on the rent of all lands, and houses &c., within these boundaries. The rate being payable by the occupier for the time being.

Proposed by Captain E Jones.
Seconded by Mr. C. Stuber,
Carried by a majority.

3. That this Meeting considers that preparatory to the application being made, it is expedient that an Assessment of Rental of all rateable property be made, and does hereby guarantee all expenses attending such Assessment, each member undertaking to do his best to forward the object in view.

Proposed by H. Brooke, Esq.
Seconded by J. H. Berry, Esq.
Carried unanimously.

4. That a Committee be formed to carry out the recommendation of this meeting, and to consist of

Captain E. Jones.	R. H. Peirce, Esq.
Mr. F. T. Lloyd.	Mr. Nursey Narrain.
Mr. Andries De Cruz.	J. S. Vernède, Esq.

Proposed by Captain Raffir.
Seconded by H. Brooke, Esq.
That a vote of thanks be accorded to E. Cullin, Esq.

(Signed) E. CULLIN,
Chairman.

No. 2. ORDER THEREON, No. 142; dated 27th January 1858.

1. With the letter recorded above, the Acting Magistrate of Malabar submits copies of proceedings of two meetings, held respectively at Calicut and Cochin, with a view to bring into operation, in those Towns, the Municipal Act, XXVI of 1850.

2. Mr. Robinson states that it has been with him, an object of anxious exertion to introduce this Act into the different towns of Malabar, but that no sooner is the initiative taken, a meeting held and resolutions passed—than the whole movement at once becomes a challenge

to the public to engage in a systematic and combined resistance before which, as the ill-doers readily learn, the Magistrate and the Government Officers are utterly impotent, however reasonable, enlightened and benevolent their intention. The covert managers of this resistance are represented as too often the most prominent assenters at the public meeting,—arzees pour in; appraisers are interfered with; and the public officer has to retire from the struggle, beaten by the lowest of the people.

3. The Magistrate is of opinion that the time has fully come for the introduction of a system of local taxation for the purposes specified in the Act, which he regards as the first and indispensable step towards a proper re-organization of the Police of the country, and the establishment of the sanitary measures so urgently called for; but the law, he avers, is defective, and as it now stands, utterly inoperative and impractical in effectuating the enlightened intention of the Legislature. In England, he does not think it could be worked: in India, it is out of the question. The provisions of the law, he urges, must be made compulsory, when the necessity and desirableness of raising a local fund for the objects specified in the Act, have been clearly established to the satisfaction of the local Government.

4. In regard to proceedings at Calicut, Mr. Robinson has gone so far as appraise the value of all the property there, but he does not hope that the intention to introduce Act XXVI of 1850, can be carried successfully through the last step and ordeal provided for it by law. At Cochin, the meeting was very numerously attended, and the resolutions now submitted were passed, but the Magistrate has since received a numerously signed petition which satisfies him that any further attempt in the matter would prove a mere source of ridicule. Cochin is a large and wealthy town, containing, within a limited area, 11,326 inhabitants, an unusual proportion of which are European merchants, Dutch families and East Indians. Houses and landed property here are represented to be at this moment very valuable and daily improving in value; and the imports and exports exceed in value the average of the three preceding years by Rupees 9,31,003. Still in the midst of this prosperity, the town remains undrained, unlit and unpatrolled. Privies and cess-pools have a place in every house, and a large amount of property is exposed to fire and depredation.

5. The Right Honorable the Governor in Council entirely concurs with the Acting Magistrate as to the utter uselessness of the present law, XXVI of 1850—which indeed has been proved on repeated occasions—and that any measures of the kind to be effectual in India, must be made compulsory. The Government apprehend however that the present is not altogether an appropriate time for introducing such measures, and that any proposal to that effect would not be favorably received in the Legislative Council.

6. The Police arrangements of the larger towns of the Malabar District, will receive the attention of His Lordship in Council, in connection with the measures for the reform of the up-country Police, which will be shortly entered on under the recent orders of the Honorable the Court of Directors.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cardedge.

been predicted by this fact when the
Act was under consideration —
Whether however the Leg: Council
would be prepared to make it
practical compulsory — and when
— this the President is a favorable
time for so doing — may be doubted

6-1-55

I share his doubt that sanitary
laws of any kind will be complied
with — & that time will be needed & would
be spent to enforce this — any
compulsory — but the population needs
educating in the necessity of this — & will not op-

fear — & they must from disease
hereafter — but I think the law
has not yet come for forcing such
laws — particularly in this country
at the present time —

such arrangements must
be voluntary to succeed JJP

They are very cautious in dealing
how only recently introduced — so
I do not see why they should not be
made to the Cholera Laws & they
be observed regularly to prevent outbreaks
likewise

15th JJP

Judicial Department

No. 142

Extract from the Minutes of Consultation

Dated 2nd January 1858.

Read the following letter

from the Acting Magistrate of

Malabar.

(Here enter 18th Dec/57 No 179)

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above, the Acting Magistrate of

Malabar submits extracts of pro-

ceedings of two meetings held

respectively at Calicut and Cochin

with a view to having into operation

in those towns, the Municipal

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satisfaction of the Local Government.

4. In regard to proceedings at Calicut, Mr Robinson has come to for us appraise the value of all the property there, but he does not hope that the intention to introduce Act XXVI of 1850 can be carried successfully through the last stage and ordeal provided for it by law. At Cochin the meeting was very numerously attended and the resolutions now submitted were adopted, but the Magistrate has since received a numerously signed petition which satisfies him that any further attempt in the matter would prove a mere source of ridicule. Cochin is a large and wealthy town, containing, within a limited area, 11,326 inhabitants, an unusual proportion of which are European Merchants, Such families

and East Indians. Houses and landed property there are represented to be at this moment very valuable and daily improving in value; and the Imports and Exports exceed in value the average of the 3 preceding years by Rs 9,20,000. Still in the midst of this prosperity the Town remains undrained, unlit and unpaved. Privies and cess-pools have a place in every house and a large amount of property is exposed to fire and depredation.

5. The Right Honble the Governor in Council entirely concurs with the Acting Magistrate as to the utter uselessness of the present law, XXVI of 1850, - which indeed has been proved on repeated occasions,

Rec'd 5th Feby 1858
Ans'd 6th Feby 1858
Rec'd 8th Feby 1858
Ans'd 9th Feby 1858
Rec'd 23rd June
Ans'd 24th June 1858
Rec'd 13th Sept.
Ans'd 15th Sept.

Fr. Dy. Tr. Cons. 2nd Feby
Mr. Rica. C. 1858. Registers

1

Extract Minute of Council
of
29th Jany 1859

Referring Observations on the Proceedings Forwarded by the Acting Attorney General of Calcutta Relative to Certain Meetings held at Calcutta with the view of bringing into operation the Act for the Better Government of Towns

and that any measures of the kind to be effectual in this country must be made compulsory.

They apprehend however that the present is not altogether an appropriate time for introducing such measures and that any proposal to that effect would not be favorably received in the Legislative Council.

6. The Police arrangements of the larger Towns of the Presidency districts will receive the attention of this Lordship in Council, in connection with the measures for the reform of the mofussil Police which will be shortly entered on upon the receipt of the Orders of the Honble the Court of Directors.

To the Govt. of the Presidency of Fort William in Bengal

Despd 30.

C 21 Jany
R 25th