

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	~~1448~~ 2	Press
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55-56	-	
	3-1-	1859
Dated	~~13-11-~~	~~19-11-8~~

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 4th January 1859.

No. 55. Read the following Extract Minutes Consultation in the Revenue Department.

Communicating for consideration His Lordship the Governor's remarks on the want of a law (at Ootacamund) for enforcing agreements between Masters and Servants, and on the subject of placing the bazaars and small Native villages under Conservancy Rules, and of restricting the permission to Natives to erect small huts in their gardens. } (Here enter 11th December 1858, No. 1652.)

No. 56. ORDER THEREON, No. 2; dated 3rd January 1859.

It is observed that the Magistrate of Canara has already, 9th November 1858, represented that the extension to the Provinces of the proposed Act to furnish breaches of contract by Artificers, workmen and laborers is urgently called for—that the Court of Sudr Adawlut have supported this opinion, and that the letters of the Magistrate and the Court have been forwarded to the Member for Madras of the Legislative Council of India. furnish

2. Resolved that para. 4 of the Right Honorable the President's Minute of 13th November 1858, with an extract from his subsequent Minute of 3rd December 1858, be communicated to Mr. H. Forbes in reference to Mr. Bayley's letter under date the 6th Ultimo.

(Signed) T. PYCROFT,
Chief Secretary.

Ordered that the following letter be despatched.

No. 57. To H. FORBES, Esq., Member for Madras of the Legislative Council of India; dated Fort St. George, 3rd January 1859.

SIR,

Referring to Mr. Acting Secretary Bayley's letter under date the 6th Ultimo, I am directed to communicate to you the annexed Extract para. 4, from a Minute recorded by the Right Honorable the Governor, with an Extract from his subsequent Minute of 3rd December 1858, and to state, that the Government quite concur with their President as to the expediency of extending the provisions of the law in question to the Provinces. A discretion should, they think, be given to the Local Governments, to introduce it in any towns or localities, where there may in their opinion, be adequate Agency for carrying it out.

(Signed) T. PYCROFT,
Chief Secretary.

Extract from a MINUTE by the Right Honorable the PRESIDENT, dated 13th November 1858.

Para. 4. Great complaints are made of the want of law for enforcing agreements between masters and servants, and it is asserted that serious inconvenience to families thereby result.

A law, to some extent applicable to this subject, is at present under the consideration of the Legislative Council; but it is intended to be restricted to the three Presidency towns.

I do not see the objection to making it applicable to the whole country; but it is certainly + Ootacamund. quite as much required at such stations as this,† and in such Settlements as the Wynaad, as at Madras.

Extract from a MINUTE by the Right Honorable the PRESIDENT, dated 3rd December 1858.

6thly. The want of a law to enforce contracts, especially between master and servant was strongly urged.

The population of Wynaad being small, the Planters are obliged to engage labourers from Mysore, and to make advances in order to induce them to take employment; these advances are frequently lost by the desertion of the recipients, and there exists no short and easy method of punishment.

I have already recommended a representation to the Legislative Council on this subject, when referring to the hill stations, and I would again strongly bring it to the notice of Government.

Ed. F. Cartledge.

Letters

No. 1652.

Extract from the Minutes of Consultation under date the 11th December 1858.

Read the following papers.

Letter from Major General H. Dowker.

Complains of the loss and inconvenience he had
 been put to from being deprived of the use and
 benefit of the water course rightfully belonging
 to him as the proprietor of the Elk Hill, and
 requests that under the circumstances stated
 orders may be issued for the restoration of the
 water course. } (Here enter 12th Nov. 1858.)

Minute by the Right Honorable the President.

Draws the attention of Government to certain
 subjects which in the opinion of his Lordship
 require immediate attention and action, in order
 to secure the well-being of the Hill stations.
 Considering the value of these hills to Europeans
 in India is of opinion that it is of great import-
 ance that they should be placed under such re-
 gulations as will preserve them in a state of
 salubrity, order and comfort. } (Here enter 13th Nov. 1858.)

In the above Minute the Right Honorable the President brings before Government certain subjects which have come under notice during his Lordship's recent visit to Ootacamund, and which in his opinion require immediate attention and action in order to secure the well-being of the station, and to ensure its future improvement with order and regularity.

2. These relate first, the laying out and repair of the roads of the station.

2d. The water supply of the Hills.

3rd. The erection of Bazars and native villages.

4th. The necessity for a law to enforce engagements between masters and servants.

5th. Rules for the working of the peat mosses.

6th. The grant of leases for lands on the Hills.

7th. The complaint of General Dowker respecting the water supply to his house.

3. On the first mentioned subject it appears that the roads require more careful superintendence, and a greater amount of skill in the method of repairing them. Mr. Fraser the Acting District Engineer fully aware of the fact has already initiated an improved system, and the only good portion of the road in the Cantonment is stated to be that formed and repaired under his immediate superintendence.

4. Of 20 miles of road in the Cantonment, 10 are main arteries, and the remainder though of less importance are stated to be absolutely necessary, while more roads are still required. It would seem that up to the present time these roads have been laid out as occasion required with little or no order or regularity and many valuable sites for houses have been overlooked. The Acting District Engineer is fully aware of these errors and is prepared with remedies, but he would seem to be wanting in adequate professional aid to apply those remedies. It is essential that this aid should be speedily supplied, as every moment that is lost, affords opportunities for irregularities being confirmed, and makes improvement more difficult.

5. These remarks are equally applicable to the subject of water supply. All the houses of the Cantonment might be well supplied were the streams and springs properly economized, and a systematic plan adopted by which the supply to each house would be regulated and charged for. The Acting District Engineer is prepared with a plan for attaining this object and all that he requires, is a small establishment for a few months that would enable him to complete the survey of the Cantonment, to lay out roads and sites and a water supply at the same time.

6. The Governor in Council resolves to communicate the above remarks to the Public Works Department in order that the Officiating Chief Engineer may be instructed to ascertain what additional professional aid the Acting District Engineer of Coimbatore may need for the purposes specified, viz. for laying out the roads, completing the plan of the station, and arranging the distribution of water and to report how such assistance may be supplied.

27th May 1859 5-6
 10th June 14
 26th August 10th 30
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7. The subject next noticed is the bazars and small native villages. These require to be placed under conservancy rules, and the permission to natives to erect small huts in their gardens should be restricted. The Acting Collector it is understood is giving his attention to the subject, but it would seem that he has not sufficient legal authority to enforce the necessary Regulations. The Board of Revenue will be good enough at once to place themselves in communication with the Collector, with a view to remedy the evil adverted to.

8. Great complaints are made of the want of a law for enforcing agreements between masters and servants, and it is asserted that serious inconvenience to families thereby result. His Lordship's remarks on this subject and on that noticed in the preceding paragraph, will be communicated to the Judicial Department where they will receive consideration.

9. The Governor in Council resolves to call the attention of the Board of Revenue to the two subjects next adverted to in His Lordship's Minute in order that after communicating with the Acting Collector they may propose whatever measures they consider advisable. These are; first, the necessity for laying down some rules for the working of the peat mosses. At present any one is allowed to use these mosses, or if a grant is given to work them as may appear most convenient, there is in consequence a liability of great quantities of this very useful kind of fuel being wasted or lost. His Lordship notices an instance which came under his own observation in which one large moss has slipped away and become entirely useless from being improperly worked. It is needless to remark that the fuel obtained from these mosses is of intrinsic value, and of increased importance as affording relief to the woods in the neighbourhood. Secondly, His Lordship thinks that some more specific and definite course should be adopted respecting the granting of leases for lands; and he calls attention to a correspondence that has passed between Mr. Thomas and Mr. Scott on this subject, to be found on the records of the Coimbatore Collectorate, as shewing the very loose method in which these matters are conducted. The land in question is on the Coonoor ghat, or very close to it, and contains some valuable timber on it. The attention of the Board of Revenue will be particularly directed to this subject; but it is probable that the fault is not so much with the rules for granting leases, as the manner in which those rules have been unattended to, and the adoption of demi-official and private correspondence which is much to be deprecated in these matters.

10. The last subject noticed by His Lordship is the complaint of General Dowker regarding the water supply to his houses. The Government have in a separate resolution in the Public Works Department sanctioned for entry in the Budget of 1859-60 an estimate amounting to Rupees 2,750 for laying down Cast Iron pipes for conveying water across the Elk Hill cutting to the properties of General Dowker, and to the houses generally on the South of Ootacamund.

(A true Extract.)

W. H. Bayley
Acting Secretary to Government.

To the Board of Revenue

with Minute.

„ Dept. of P. W. do.
„ Judicial Department do.
„ Major General H. Dowker

Recd. 14th J.P.

Minute by the Right Honorable the President.

Before quitting this Station, I wish to bring to the notice of Government certain subjects, which in my opinion, require immediate attention and action, in order to secure its well-being, and to ensure its future improvement, with order and regularity.

1. The roads require more careful superintendence, and greater skill in the method of repairing them. Mr. Fraser the Acting District Engineer is fully aware of this, and has already initiated an improved system which I hope may be continued; the only really good portion of road in the Cantonment is one formed and repaired under Mr. Fraser's immediate superintendence.

There are at present about 20 miles of road in the Cantonment, 10 of them being main arteries, and the remainder of less importance, but still absolutely necessary, and more are still required; but up to the present time, these roads have been laid out, as occasion required, with little or no order or regularity, and many valuable sites for houses have been overlooked.

Mr. Fraser is fully aware of these errors, and is prepared with remedies; my reason for now pointing them out is in order to state, that it is very important, that he should be, if possible, supplied with sufficient professional aid to apply those remedies. Every year, nay every month, that is lost, affords opportunities for irregularities being confirmed, and makes improvement more difficult.

2. The same observations are applicable on the subject of water. All the houses of the Cantonment might be well supplied, were the streams and springs properly economized; but this requires that a systematic plan should be adopted, and the supply to each house regulated and charged for.

Mr. Fraser is prepared with a plan for attaining this object; and if an establishment could be allowed him for a few months, he would be able to complete the survey of the Cantonment, laying out roads and sites, and a water supply at the same time.

3. The bazaars and small native villages require to be placed under Conservancy rules, and the permission to natives to erect small huts in their gardens, should be restricted.

The Acting Collector Mr. Cherry, is doing his best to improve the state of things, but there appears to exist scarcely sufficient legal authority to enable the Collector to enforce the necessary regulations.

4. Great complaints are made of the want of law for enforcing agreements between masters and servants, and it is asserted that serious inconvenience to families thereby result.

A law, to some extent applicable to this subject, is at present under the consideration of the Legislative Council; but it is intended to be restricted to the three Presidency towns.

I do not see the objection to making it applicable to the whole country; but it is certainly quite as much required at such Stations as this, and in such Settlements as the Wynaad, as at Madras.

5. The attention of the Board of Revenue should be called to the necessity for laying down some rules for the working of the Peat Mosses.

At present any one is allowed to use them,—or if a grant is given to work them to an individual, he can do so, as may appear most convenient,—and in consequence there is a liability of great quantities of this very useful kind of fuel being wasted or lost.

One instance, I have seen, in which one large moss has slipped away, and become entirely useless, from being improperly worked. The fuel obtained from them is of intrinsic value, and of increased importance as affording relief to the woods in the neighbourhood.

6. I think also some more specific and definite course should be adopted respecting the granting of leases for lands, and I would request attention to a correspondence between Mr. Thomas and Mr. Scott on this subject, (copies of which can be obtained from the Collector's Office), as a proof of the very loose method in which these matters have been conducted.

I have been informed, that the land in question is on the Coonoor Ghat or very close to it, and that there is some valuable timber on it.

For Dy. Secy. to Govt. 14. Jan. 1852
 Judicial. 1852. Dep. Secy.

For Dy. Secy. to Govt. 14. Jan. 1852
 Judicial. 1852. Dep. Secy.

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 Judicial. 1852. Dep. Secy.

1852-53

Native to erect small huts in their gardens

7. A communication from General Dowker on the subject of the water supply to his house, will be forwarded to the Government by the Chief Secretary. I mention it, because I believe that justice requires that it should be immediately attended to.

Mr. Fraser informs me that he is very sure, that the wooden syphon recommended by him to supply water across the Elk Hill cutting, would last for some years.

Some of the above remarks are applicable equally to Coonoor and Kotahgerry.

The value of these Hill stations to the Europeans in India, cannot in my opinion be too highly estimated; and it is of great importance that they should be placed under such regulations as will preserve them in a state of salubrity, order, and comfort; and there is some risk of these requirements being neglected, until it may be most difficult to apply remedies to irregularities, which by lapse of time may almost become prescriptive rights.

OOTACAMUND, 13th November 1858.

(Signed) HARRIS.

(A true Copy.)

W. A. Burley

Acting Secretary to Government.

W. A. Burley

Judicial Department

No 2

Extract from the Minutes of Consultation
Dated 3rd Jan^y 1839.

Read the following Papers.

C. M. C. in the Rev. Dept. } Here enter 11th Dec^r 1838
Para 8. } No. 1652.

Minute by the Right }
Honble. the Governor. } 13th Nov^r 1838
Para 4. } and 3^d Dec^r 1838. No

It is observed
that the Magistrate of
Canara has already 9th
Nov^r 1838, represented that
the extension to the Pro-
vinces of the proposed
Act to punish breaches of
contract by Artificers, work-
men and laborers is ur-
-gently called - that the
Court of Sudr. Adaw-
-lut have supported this
opinion and that the
Letters

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detain this.
JP

of 13th Nov. 1858, with
an extract from his
subsequent minutes
of 3 Dec 1858.

To H. Forbes Esq.
Member for Madras
of the Legislative
Council of India

Letters of the Magistrate
and the Court have been
forwarded to the Member
for Madras of the Legis-
lative Council of India.

2. - Resolved that
para. 4 of the Right Ho-
norable the President's

Minute be communicated
to Mr. H. Forbes in re-
ference to Mr. Bayley's
letter under date the 6th
of ^{Ujjain} ~~Madras~~, and that the fol-
lowing letter be despatch-
ed: -

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Here enter
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H. D. Hall

W. W. W. W. W.

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In 184. to 1859: 4-1 Jan 1859.
Judicial 1859 Rept. 1859.

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Ex tract Miss. Louis

State of 3.2 January 1859.

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