

MADRAS RECORD OFFICE.

Government of Madras.

MENT.

G.O. No.	413	Press
53-54		Mis
Dated	28-3-1889	

Not to be folded or roughly handled

No 7

1

From

John Ralliff Esq
Magistrate for the West

To

J Pyroft Esq
Chief Secretary to Government
Fort St George

Sir

Right and Left hand caste
disputes being frequent, at this place,
each pleading Manool, as ground
for prohibiting the most ordinary
and, per se, inoffensive proceedings,
on the part of the other, and an
addition to such being apparently
probable from a report just
received from my Head Assistant
as to the progress of a Goroo of the
Left hand caste thro' the District,
I have the honor to solicit the
favor of instructions, as to whether
in dealing with such matters, it is
the wish of Government that "Manool"
however repugnant to European ideas
of common sense procedure, should
be inquired into & maintained - or that
the latter should be enforced.

some instance in illustration, and
ask whether such cases should be dealt
with according to European ideas, or
native law.

2. In the opinion of the Commissioner
of the E.M.C. 28 Jan. 1859, para 38. It is
stated that the attempt of one party to
close the ^{road} to the other from the use
of the public streets, would not be the
intention. "This public high street in
Lower is the property not of any
particular caste, but of the whole
community, and every man, be
his caste or religion what it may, has
a right to the full use of the street, provided
that he does not obstruct or molest others
in the use of them, and must be

exercised
important in the case of the right of way.
The fact has been confirmed by the
Magistrate of Timorville that the publi-
cation of the above orders in his District
has had an excellent effect. Feuds &
quarrels of old standing have been
set at rest and the right of all to the
freedom of the highway appreciated
by all. — see the para-putup.

The British Commissioner in
general terms that it is difficult to
give him any specific answer or inter-
ference with customs, although abroad he
is often not so doubtful as any of other
Customs they should certainly be left alone.
In respect however of the instance
addressed in illustration it seems clear

thou whether, in dealing
with such matters, it
the wish of Govt, the

Man

clear that no man can be prevented from
driving in his own coach along the pub-
lic street and highway - nor from rail-
ding on bonds with an upper story -

For the poor he has as much a right to pass along the public streets as any body else - but whether he should be permitted to do so, in procession, with flags and similar demonstrations is another question - The Mayor who as the Chief Police Officer would, it is concerned to fully warrant in preventing this if it would be likely to collect a crowd - obstruct the road & lead to public inconvenience or a quiet disturbance - At the same time altho' the principle that every man has a full right to the free use of the highway - and to deal with his own property as he pleases so that he does

I have not since received a - satisfactory
 but many others are sound principles
 and such as should whenever necessary
 be maintained, though it is to be desired
 to out of his way to proclaim & enforce
 them, he may content himself with
 fully asserting & carrying them out when
 the occasion presents itself.

59. I have just received from
 Kentucky Co. two broad & many
 principle has been stuck with by both
 in the formerly said - but it does not
 impartially followed that the magistrate
 the mistake in every case is that
 the motives are retained - he has
 not as much as possible possible

of the place - I should desire no inter-
ference with a presentation of people
passing quietly along the road - not
in other respects - whether there is no
intention to go more than a way or come
the native custom they should be left to
conduct them as they please

What however I presume is possible
the probability of our cattle in the
interference to pass in procession down
the valley where their cattle - previously
prohibited - requiring the support of the
on the ground that the high road is open
both - this is a disappointing result must

Jud. Depart.

to a person's mind
suddenly seen - cannot be forced
by any means to accept of it
and are respected
Proceeding in procession - by which
a most miserable of people - it being
different from the preceding and
they being conveyed to the burial place
in an improper manner
to make such
a more complete matter of the
procession - a high
disturbance if any person
might fairly be expected to
anything of the kind

H. J.

March 22
34-2
225-4

53

I am generally in the above
view.

The Magistrate's duty is simply
to keep the peace, & provided that
is not endangered every man who
is allowed to follow his own career
but whose professions cannot be
exercised without provoking others
they should be allowed to do so
whenever he sees fit
for interfering with
the liberty of the subject
by allowing the
up new demonstrations of
the previous disorders
on a road where they have
before. All such professions are
to be tolerated where they
long usage & not interfere to
the

all professions should be regulated
by what has been the custom

Jud. Depart.
No. 413

Extract from the Minutes of Consultation.
Dated 28th March 1859.

Read the following letter
from the Acting Magistrate
of South Arcot.
(Here enter 10th March 1859)
No. 7.

At
Jy
Mg

Well

M^r. R. R. R. Acting
Magistrate of S. Arcot
reports that right and
left hand caste disputes
are frequent at Cuddalore,
each party pleading Mamool
as ground for prohibiting
the most ordinary and,
per se, inoffensive proceed-
ings on the part of the
other. He solicits instruc-
tion whether, in dealing
with such matters, it is
the wish of Govt., that

Mamool

Manual however, repugnant
to European ideas of com-
mon sense, procedure should
be ~~required~~ ^{maintained}, or that the latter
should be enforced. He
gives some instances in
illustration, and asks
whether such cases should
be dealt with according
to European ideas or na-
tive Manual.

2. — In the orders on the
Times of 11th E.M.
28th Jan 1839 para 38. it
was stated that the attempts
of one party or sect to ex-
clude the other from the
use of the public streets
could not be tolerated.

"The public high streets in
all towns are the property
not of any particular
sect, but of the whole
community, and every man,
be his sect or religion
what

The same principle
will regulate other
cases. Thus in those
instances

what it may, has a right
to the full use of them, ^{the}
provided that he does
not obstruct or molest
others in the use of them,
and must be supported
in the exercise of that
right."

3. — By the full use
of the streets in the above
passage was meant their
full use for necessary
and ordinary purposes
of which the carrying
out of a dead body quite
sufficiently for interment was
clearly one. ⁺ Similarly
to refer to the instances
~~addressed~~ by Mr.
Radcliff, every man must
be regarded as having
a natural right to proceed
along the public highway
in his usual conveyance
or to add an upper story
to his house, and no
obstruction to the exer-
cise of such rights as
these

The R.H. the Sir C
observes that in

It is in some
ways

these can be tolerated. —
4. — The Socra to whom
the strange Magistrate
alludes must on the same
principle be regarded as
at liberty to pass along
the public streets in the
same manner as other
people, and is not to be
prevented from so doing
5. — But it does not
follow that he is to be
permitted to traverse the
streets in procession, with
flags and the like in-
signia, and if such a
proceeding would be
likely to excite distur-
bance, the Magistrate
as the guardian of the
public peace, should
certainly prohibit it. —
6. — Speaking generally,
to use the public street
for the ordinary avocations
of life, and to such an
extent

or to do any act of
a like character,

This leads me
naturally to
ask whether
the Magistrate
is to be
permitted to
prohibit it.

extent as the comfort
and convenience of the
individual may require
is one thing, to go beyond
that, as for example,
to parade and pro-
cessions or get up demon-
strations titherto unusual,
thereby necessarily offend-
ing the prejudices of
others, offering pro-
vocation and raising ex-
citement is another. In
the latter cases, the com-
fort and convenience
of the public are more
may interested. — ~~the~~
~~permission of such a~~
and if such procession
or demonstration
be likely to excite a dis-
turbance and lead to a
breach of the peace, they
must be summarily
interdicted and the
custom heretofore followed
in

in such matters be rigidly maintained. —

7. — Further, altho' the principles that every man has a full right to the free use of the highway, and to deal with his property as he pleases, so that he does not give any real cause of annoyance to others, such as the officers of Govt. should never feel to assert whenever they may be applied to, or a proper occasion may arise, yet it is not desirable that they should go out of the way to enforce the application of these principles. It will suffice that they be temperately but resolutely upheld whenever opportunities for asserting

or, generally speaking, to do any act, not repugnant to decency and morality, nor prohibited by law, — is a sound principle, and

+ with Mr. R. Clift's letter

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~~that~~ may present themselves fairly and in due course. —

8. — Resolved that the above orders be communicated to the Acting Magistrate of S. Arcot in reference to his letter of the 10th Inst. and to all Magistrates for their information and guidance. —

J. P.

27
The Magistrate of General Districts } Disp'd 22nd Apr

J. H. Ball

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John H. H. H.

1870-1871

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10-10-77
11-4-78

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I have not returned to the
 the observance of *Sabbath*
 according to the desire we
 ought and yet cannot quite
 observe - and this (I think)
 has been in the way of

the house.