M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 960 Press
196-198 Mis.
196-198
Dated 31. 7. 1860 .

16/17.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
31st July 1860.

Read the following papers:—

No. 196. From E. B. THOMAS, Esq., Magistrate of Coimbatore, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 27th June 1860, No. 31.

I beg to forward for consideration of Government, or the Sudr, a letter from my Assistant Mr. Nesbitt dated 22nd instant, No. 118. Something *does* seem needed on the Hills, though it is a difficult subject on which to legislate perhaps.

From W. S. NESBITT, Esq., Assistant Magistrate, to E. B. THOMAS, Esq., Magistrate of Coimbatore, dated Ootacamund, 22nd June 1860, No. 118.

A matter productive of much evil here is the entire absence of any law to control domestic servants in their conduct towards their employers. A servant is at present at liberty to leave his master or mistress at any moment he chooses, and thereby occasion an amount of annoyance, or even injury, for which he can make no reparation. Manifold illustrations might be given by which such results can be produced, but the most familiar which may be taken (by way of example) are those of a cook employed in families where are invalids, and there are many such, or children, depending for health on the punctual execution of his duty, or a horse-keeper or other servant, entrusted with valuable cattle, suddenly walking off and leaving them unfed and uncared for. The European community here intend, I believe, petitioning the Legislative Council to grant an Act to rectify this evil, but as it will take time to procure such, and the grievance in the meanwhile increases, I beg to suggest your soliciting from Government that some *limited* powers may be granted to me to check the evil *until* an Act is passed. Two Acts,* which have been passed within a recent period, clearly introduced the principle that certain classes of persons who voluntarily undertake the execution of labor shall be compelled to perform the same. The whole class of Public Servants also, although *no specific Act* exists in reference to them, are yet under restrictions as to continuing in, or quitting their duties, even though they may be entitled to leave. The primary consideration to which they must yield being the exigencies of the public service. Although no specific agreement, at least written one, is made with a domestic servant, yet the mere fact of his offering himself for service, implies his willingness and intention to execute what may be required of him, otherwise he would not be at all hired. I consider therefore that without any hardship being entailed on them, domestic servants might be placed in a similar footing in regard to their employers, and for this purpose I would propose the following rules:—

* *No.* 13 *of* 1859.
No. 9 *of* 1860.

1. That no servant shall quit his service without leave, or giving a month's notice. If he does, he shall on refusal to return thereto by order of the Magistrate, be liable to forfeit a month's pay besides a fine of Rupees 20 or 2 months' imprisonment with simple labor in jail. If however he pleads and proves having received any serious maltreatment from his employer, or having been subjected to an unreasonable amount of deductions having been made from his wages, he shall be absolved from all such liabilities. I would wish it to be distinctly understood that whenever a charge of desertion was brought against a servant, the Magistrate should always *first ascertain*, whether such desertion had been occasioned by the proceedings of his employer, or was merely the result of the servant's own caprice and whim to give annoyance. Should the Local Government consider the powers applied for, cannot be granted except by Legislative enactment, I would suggest the advisableness of the matter being submitted to the Supreme Government.

(True Copy)

(Signed) E. B. THOMAS,
Magistrate.

No. 197. From H. D. RAE, Esq., Secretary to the Committee, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Ootacamund, 30th June 1860.

I am requested, by the Committee appointed at a Meeting of the inhabitants of this station, held on the 11th instant, to forward to you, for submission to Government, the annexed copy of the Proceedings of that Meeting; and at the same time to offer a few remarks on certain of the Resolutions which were adopted: my present object being rather to make the Government acquainted with the feeling that exists here, regarding evils under which the community labours, than to suggest the remedies that may be applicable to them; but, at some future date, the Committee trust to be allowed the opportunity of offering specific recommendations to that effect.

2. On the general terms of the 1st Resolution the Committee would only observe that, in their view of the matter, the fraud, theft, and disorderly conduct of the domestic servants of this station, therein complained of, are mainly due to the working of the Abkaree Department, and the inefficiency of the Police.

3. With reference to the 2nd Resolution, the Committee beg to state that, in their opinion, the extortion and difficulty complained of owe their aggravated character in a great degree to the employment of irresponsible men as Maistries, who act under Government sanction, and possess a virtual monopoly. The expression of a desire to see the re-employment of the Cutwal, in the duty of assisting travellers, results from its being felt that such is preferable to the new arrangement that has established the Maistries; and that, if it *can* be guarded from former abuses, the return to the Cutwal agency would be beneficial. Instances of misconduct on the part of the Maistries might be indefinitely multiplied, but it will suffice for the Committee to give the assurance to Government that what has been brought under their notice, and is within their own knowledge, shows that the inhabitants, on the one hand, are quite at their mercy to give or withhold means of movement and transport; and that, on the other, the general body of coolies on the hills and at the foot of the ghauts do not dare to seek or accept service unless it passes through their hands; while further, in regard to their irresponsibility, a case is before the Committee where grave and formal charges against them, preferred to the Magistrate of Coimbatoor, were suffered to pass unnoticed, because of his averred deficiency of jurisdiction in the matter. The Committee would beg to explain, in this question, that the Resolution of the Meeting and their own observations have reference only to arrangements on the hills, and from and to the foot of the ghauts leading to them; efficient means of locomotion to the latter places requiring in an especial degree to be provided; and they would therefore represent to Government the great urgency for an immediate remedy being applied for the present state of things, as strangers from this and other Presidencies, ladies and invalids, are exposed to the most serious privations, delay and inconvenience from being at the mercy of these irresponsible functionaries; while some old and permanent residents are precluded from making their own arrangements from the interference of the Maistries.

4. Before addressing Government specially on the subject of the 3rd Resolution, I am desired to solicit the favor of being furnished with the copy of the Draft Act framed (the Committee believe, in 1855,) by the Advocate General, in connection with petitions from this and other stations, for the passing of an Act to regulate the relations between Master and Servant. The Committee would desire to see whether the Draft Act in question might be susceptible of any useful modifications, and to use it for facilitating the object of the General Meeting. This sanitarium has peculiar requirements; Government will be aware that domestics in the plains are very generally averse to accompany their Masters to these Hills, and visitors, therefore, to the sanitaria here are always more or less dependant for servants on the Native residents of the Neilgherries; and, in consequence of this, Ootacamund has become the great centre for domestics of the worst sort—men who are unable to procure service in any other station in the Presidency.

5. With regard to the 4th Resolution of the Meeting, it is of course impossible that the condition of a Military Cantonment can be reverted to, but the expression of feeling by the

Meeting is to be taken as showing the deep conviction of the community generally that some efficient check to the existing evils requires to be imposed, and that it would be greatly better to have the summary power of the Military Bazaar Regulations introduced than to see a continuance of the present immunity for gross misconduct and extortion.

6. In conclusion the Committee would respectfully call the attention of Government to the general tenor of the Resolutions. The language employed throughout, it will be observed, is strong; but the Committee can confidently assure Government that it was no more than a deliberate expression of that indignant feeling which the existing state of matters excited, very naturally, in the public breast.

Proceedings of a Meeting of the Inhabitants of Ootacamund, held at the rooms of Messrs. Framjee, and Co., on Monday the 11th of June 1860.

On the motion of Major General Dowker, seconded by Colonel Miller.

James Ouchterlony, Esq., is called to the Chair.

The Chairman explains the object of the Meeting.

Resolution I.—Proposed by the Reverend E. Laseron, and seconded by Major General Dowker.

That owing to an undoubtedly erroneous impression produced on the Native mind by recent orders and proceedings of authority, the amount of extortion practised by laborers, artificers and others, and the insolence, fraud and drunkenness of domestic servants, has caused a state of matters at Ootacamund that is absolutely intolerable.

Carried unanimously.

Resolution II.—Proposed by A. K. W. Lascelles, Esq., and seconded by H. R. Dawson, Esq.

That to remedy the extortion complained of, it seems very desirable that a table of rates of hire should be determined and issued from time to time by the local authority according to the existing value of labour; that in respect of carrying or transport coolies, the weight to be carried by them, and the time to be consumed should also be fixed; and that further as the system of cooly maistries or contractors, recently introduced, has been found to work in a most pernicious manner, the same should be abolished, and the Cutwal be again authorized to give assistance in procuring coolies and others, under such restrictions as may appear sufficient to guard his agency in the matter from abuse.

Carried with two dissentient voices.

Resolution III.—Proposed by H. D. Rae, Esq., and seconded by Lieutenant-Colonel Hadfield.

That to provide against the present injurious consequences that result from the gross misconduct of domestic servants, a fair and impartial Law ought to be enacted between Master and Servant, and which should bring the relation between them under the cognizance of the Police authority.

Carried unanimously.

Resolution IV.—Proposed by H. R. Dawson, Esq., and seconded by Colonel Freeman.

That while it is considered that the introduction of the Military Bazaar Regulations into Ootacamund, and its reconstitution as a Military Cantonment, would abstractedly be an evil, yet the opinion of this Meeting is, that such would be preferable to the existing order of things, and tend better to realize security and comfort to the inhabitants.

Carried with three dissentient voices.

Resolution V.—Proposed by Colonel Miller, and seconded by the Reverend W. T. Blenkinsop.

That a Committee be appointed consisting of Mr. Ouchterlony, Mr. Rohde, Major Wapshare, Mr. Lascelles, Reverend Mr. Lugard, Mr. Dawson, Colonel Hadfield, Mr. Rae,

Reverend Mr. Pope, and Mr. Pestonjee, for the purpose of framing petitions to Government of Madras and the Legislative Council on the basis of the foregoing Resolutions, and that the petition to the Legislative Council be forwarded through the Government of Madras with a request for their support being given to its prayer.

Carried unanimously.

Resolution VI.—Proposed by Lieutenant Colonel Hadfield, and seconded by Major Ussher.

That the inhabitants present at the Meeting pledge themselves (and will do their best endeavours to prevail on others to do the same) not to give employment to *any one*, whether their last employers.

Carried.

On the motion of the Reverend Mr. Lugard, seconded by Colonel Clemons, the thanks of the meeting are voted to Mr. Ouchterlony for his conduct in the Chair, and to Messrs. Framjee and Co., for the use of their room.

(Signed) J. OUCHTERLONY,
Chairman.

(True Copy.)

(Signed) H. D. RAE,
Secretary to the Committee.

No. 198. Order thereon, 31st July 1860, No. 960.

With the first of the above letters the Magistrate of Ootacamund forwards for consideration a copy of a letter from his Special Assistant Mr. Nesbitt. Mr. Nesbitt describes the evils arising from the entire absence of any law to control domestic servants in their conduct towards their employers, and submits some rules which he proposes shall be adopted until Legislative provision can be made to supply the defect.

2. The objection to these rules, as might have occurred both to Mr. Nesbitt and to Mr. Thomas, is that the Government have no means nor authority whatever to carry them out. They could only be enforced under sanction of a Legislative enactment.

3. With the second letter is forwarded the copy of Resolutions passed at a Meeting of the inhabitants of Ootacamund held on the 11th ultimo.

4. The first Resolution sets out, that "owing to an undoubtedly erroneous impression produced on the Native mind by recent orders and proceedings of authority, the amount of extortion practised by laborers, artificers and others, and the insolence, fraud and drunkenness of domestic servants, has caused a state of matters at Ootacamund that is absolutely intolerable." The Secretary Mr. Rae's letter on this Resolution states that the misconduct of the servants on the Hills is mainly due to the working of the Abkaree Department and to the inefficiency of the Police. This will be communicated to the Revenue Department where the Collector will be called on for a report on the alleged evils of the Abkaree system. With respect to the Police, it is observed that the District of Coimbatore has recently been brought under the operation of the new Police Act XXIV of 1859 and it is trusted that an improvement may soon manifest itself.

5. The second Resolution passed at the Meeting states that to remedy the evils complained of, it seems very desirable that a table of rates of hire should be determined and issued from time to time by the local authority according to the existing value of labour; that in respect of carrying or transport coolies, the weight to be carried by them, and the time to be consumed should also be fixed; and that further, as the system of Cooly Maistries or Contractors, recently introduced, has been found to work in a most pernicious manner, the same should be abolished, and the Cutwal be

Proceedings of the Madras Government, Judicial Department,
31*st July* 1860.

again authorized to give assistance in procuring coolies and others, under such restrictions as may appear sufficient to guard his agency in the matter from abuse. On this point the Government can only remark that they possess no authority* to determine the rates of hire for coolies, nor to regulate the weight of their loads, nor the time to be spent by them in their trips. These are matters which must be left to adjust themselves according to the ordinary laws which regulate the demand and supply of labor and with which Government cannot interfere. They must also decline to allow their servants of any grade to give assistance in procuring coolies. Such employment is foreign to their duties, they could not intervene in such matters to any purpose without arrogating to themselves authority which they do not possess, which the Government could not confer upon them, and which if it could be conferred could not be guarded from abuse. The system of Contractors or Maistries appears to have been resorted to by the Collector as a substitute for the former practice. It is to be hoped that eventually it may work well upon the Neilgherries, as elsewhere, although its first introduction may be attended with difficulties.

* *Section LIII, Regulation XI,* 1816, *applies only to rates of hire to be paid* by travellers *for palanquin bearers, coolies and boatmen and for draft and carriage cattle, but gives the Magistrates no power to enforce these rates or to compel persons to work for them.*

6. The third Resolution declares that "to provide against the present injurious consequences that result from the gross misconduct of domestic servants, a fair and impartial Law ought to be enacted between Master and Servant, and which should bring the relation between them under the cognizance of the Police authority"—and by Resolution V, a Committee has been appointed for the purpose of framing petitions to the Government of Madras and the Legislative Council. In his letter, paragraph 4, Mr. Rae the Secretary, requests to be furnished with a copy of the draft Act prepared by the Advocate General in 1855, "to regulate the relations between Master and Servant." A copy of the draft Act will, as requested, be sent to the Secretary, who will also be furnished with a copy of the report of the Penal Committee dated 28th July 1855, forwarded with the Honorable Mr. Eliott's letter of 3rd August 1855, showing the reason why the draft Bill was not proceeded with.

8. Resolution IV asserts that the introduction of the Military Bazar Regulations into Ootacamund and its reconstitution as a Military Cantonment, although abstractedly an evil, would be preferable to the existing state of things. This Resolution does not call for remark; Ootacamund is essentially a Civil Station and can never again be made a Cantonment, nor established on the footing of a Military Bazar Station.

9. The last Resolution is a very proper one. The parties present pledge themselves not to employ any servants or workmen without a character.

10. His Excellency the Governor in Council resolves to communicate the above remarks to the gentlemen who composed the Meeting of the 11th ultimo, in reply to their Secretary's letter of 30th idem. The Governor in Council fears that the evils and inconveniences of which the Meeting complain are not of a nature to be remedied by Legislative action. The objections which were advanced against the adoption of Mr. S. Smyth's draft Act in 1855, would probably now prevent the passing of any enactment for regulating the relation between Master and Servant. No general law of the kind is likely to be passed, and a special Act for the Hill Stations, even could such be obtained, would only furnish additional reasons to deter respectable servants from resorting to the Neilgherries, and thus leave the European community in worse hands than at present. Much improvement may, it is hoped, be effected on the Railway reaching Coimbatore, 28 miles from the foot of the Hills, which it may be expected to do by about the end of the year. Persons resorting to the Neilgherries will then bring up their own servants and will not be so much dependent on the indifferent set now on the Hills, who on the other hand will be improved by the competition thus brought to bear upon them. Transit Companies for the conveyance of both passengers and goods, such as there are at Madras and Bangalore now, will no doubt be organized at Coimbatore to ply between that place and Ootacamund to the great benefit of all

concerned. More will be effected by these means and by a steady adherence to the wise course for the discouragement of bad servants to which the Meeting have pledged themselves in their last Resolution, than by any coercive enactments, supposing such to be attainable.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

Proceedings of the Madras Government

From the Magistrate of Coimbatore.
From the Secretary to the Committee appointed by a Meeting of the inhabitants of Ootacamund } *Read the following letters:—*
(Here enter 27th June 1860, No. 31.)
" — " — 30th — " — " —)

Order thereon 31st July 1860, No. 960.

With the first of the above letters the Magistrate of Ootacamund forwards for consideration a copy of letter from his Special Assistant Mr. Nesbit. Mr. Nesbit describes the evils arising from the entire absence of any law to control domestic Servants in their conduct towards their employers, and submits some rules which he proposes shall be adopted until legislative provision can be made

made to supply the defect.

2.- The objection to these rules, as might have occurred both to Mr. Nesbit and to Mr. Thomas, is that the Government have no means nor authority whatever to carry them out. They could only be enforced under sanction of a legislative enactment.

3.- With the second letter is forwarded the copy of resolutions passed at a Meeting of the inhabitants of Ootacammund held on the 11th Ultimo.-

4.- The first Resolution sets out, that "owing to an undoubtedly erroneous impression produced on the Native mind by recent orders and proceedings of authority, the amount of extortion practised by labourers, artificers and others, and the insolence, fraud and drunkenness of domestic servants

to the inefficiency of the Police

servants, has caused a state of matters at Ootacammund that is absolutely intolerable. The Secretary Mr. Rae's letter on this resolution states that the misconduct of the servants on the Hills is mainly due to the working of the Abkaree Department. This will be communicated to the Revenue Department when the Collector will be called on for a report on the alleged evils of the Abkaree system. With respect to the Police, it is observed that the District of Coimbatore has recently been brought under the operation of the new Police Act XXIV of 1859 and it is trusted that an improvement may soon manifest itself.-

5.- The second resolution passed at the Meeting states that to remedy the evils complained of it seems very desirable that a table of rates of hire should be

be determined and issued from time to time by the local authority according to the existing value of labour; that in respect of carrying or transport coolies, the weight to be carried by them, and the time to be consumed should also be fixed; and that further, as the system of cooly Mairstries or Low-bractors, recently introduced, has been found to work in a most pernicious manner, the same should be abolished, and the Gut-=val be again authorized to give assistance in pro-=curing coolies and others, under such restrictions as may appear sufficient to guard his Agency in the matter from abuse. On this point the Government can only remark that they possess no authority to

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to determine the rates of hire for coolies, nor to regulate the weight of their loads, nor the time to be spent by them in their trips. These are matters which must be left to adjust themselves according to the ordinary laws which regulate the demand and supply of labor. and with which Govt. cannot interfere. They must also decline to allow their servants of any grade to give assistance in pro-=curing coolies. Such employ-=ment is foreign to their duties, they could not intervene in such matters to any purpose without arrogating to themselves authority which they do not possess, which the Govt. could not confer upon them, and which if it could be conferred could not be guarded from abuse. The system of contrac-=tors or Mairstries appears to have been resorted to by the Collector as a substitute for the former practice. It is to be hoped that eventually it may work well upon the Neil-=gherries, as elsewhere, although its first introduction may be attended with difficulties.

6. The third resolution de-=clares that "to provide against the present injurious consequences

that

that result from the gross mis-conduct of domestic Servants, a fair and impartial Law ought to be enacted between Master and Servant, and which should bring the relation between them under the cognizance of the Police Authority" and by Resolution V. A Committee has been appointed for the purpose of framing petitions to the Govt. of Madras and the Legislative Council - In his letter para: 4 Mr Rae the Secretary requests to be furnished with a copy of the draft Act prepared by the Advocate General in 1855 "to regulate the relations between Master and Servant". A copy of the draft Act will as requested be sent to the Secretary who will also be furnished with a copy of the report of the Penal Committee dated 28th July 1855 - forwarded with the Honorable Mr Elliotts letter of 3d August 1855 - showing the reasons why the draft bill was not proceeded with -

8.- Resolution IV. asserts that the introduction of the Military Bazar Regulation into Cotacammund and its reconstitution as a Military Cantonment although abstractedly an evil, would be preferable to the existing state of things. This resolution does not call for remark - Cotacammund is essentially a Civil Station and can never again be made a Cantonment nor established on the footing of a Military Bazar Station -

9.- The last resolution is a very proper one. The parties present pledge themselves not to employ any servants or workmen without a character -

10.- His Excellency the Governor in Council resolves to communicate the above remarks to the Gentlemen who composed the Meeting of the 11th Ultimo - in reply to their ~~Honorary~~ Secretary's letter of 30th Idem.

The

the Governor in Council fears that the evils and inconveniences of which the Meeting complain are not of a nature to be remedied by Legislative action. The objections which were advanced against the adoption of Mr. S. Smyth's draft Act in 1855 would probably now prevent the passing of any enactment for regulating the relation between Master and Servant - No general law of the kind is likely to be passed, and a Special Act for the Hill Stations even could such be obtained, would only furnish additional reasons to deter respectable servants from resorting to the Neilgherries, and thus leave the European community in worse hands than at present. Much improvement may it is hoped

hoped be effected on the Railway reaching Coimbatore 28 Miles from the foot of the Hills, which it may be expected to do by about the end of the year. Persons resorting to the Neilgherries will then bring up their own servants and will not be so much dependent on the indifferent ~~set~~ now on the Hills who on the other hand will be improved by the competition thus brought to bear upon them. Steam companies for the conveyance of both passengers and goods such as there are at Madras and Bangalore now, will no doubt be organized at Coimbatore to ply between that place and Ootacamund to the great benefit of all concerned. More will be effected by

by these means and by a steady adherence to the wise course for the discouragement of bad servants to which the Meeting have pledged themselves in their last resolution, than by any ~~pecuniary~~ coercive ~~measure~~ supposing such ~~to be possible~~ attainable.

J.P.

To the Magistrate of Coimbatore
" Secretary to the Committee appointed by a Meeting of the inhabitants of Polacaumund with 2 original Papers (to be returned)
Revenue Deptt.

} Disp^d 6 Aug^t

Judicial Department.

Memorandum.

From the Magistrate of Coimbatore. — } Dated 27th June 1866, No. 31.

From Secretary to a Committee appointed by a Meeting of the inhabitants of Ootacamund. } — " — 30th " — " —

With the first of the above letters the Magistrate of Ootacamund forwards for consideration a copy of letter from his Special Assistant Mr. Nesbit — Mr. Nesbit descants on the evils arising from the entire absence of any law to control domestic servants in their conduct towards their employers, and submits some rules which he proposes shall be

Mr Pycroft's remark exhausts
able, that can be said upon
this subject. — A Law
to fix the relations between
Masters & Servants, such
as a General Law, even
when Servants may appeal
to Magistrates, would
I imagine give rise to
it, at the first Sessions,
it would only furnish
additional reasons
for Servants to
keep away, and do place
the European community
in worse hands. The course
open to the
Government would be to
appoint a Military

C 25 July
R 31 " 5

Law, - if it were justified
- which it is not. It can be adopted until legisla-
ting remedies are effective provision can be
tion indicated by Mr. made to supply the
Prescott, the improved defect.
ment of the Commissioner, 2.- The objection to
- the introduction of these rules as surely Mr.
fresh blood in the way Nesbit, or at all events
of Servants, from the Mr. Thomas should have
Low Country, - La stand known, is that the Govt.
ard Mr. Elliot and the Chiefs have no means nor au-
es Collis had by the Cash thority whatever to carry
Resolution, - the only one them out. They could only
prosecution of a practical be enforced under sanc-
character. tion of a legislative En-
actment.

3.- With the record of
I am difficulties at the letter is forwarded the
Nuwara Eliya (in Ceylon) copy of resolutions passed
where the Servants, & Coolies, at a Meeting of the in-
& all classes habitants of Polacamma
generally. But it never held on the 11th Ultimo.-
occurred to any body that 4.- The first resolution
the difficulties could be so warranted sets out, that "owing to
by is allowing a Tariff an undoubtedly erroneous
for Servants, or Coolies. impression produced on
higher Wages, & a better the Native mind by recent
Batta for Servants, & orders and proceedings of
Peons, were indispensable. authority, the amount
But the second also was of extortion practised by
required. labourers

July 12. H.G.W.

labourers, artificers and
others, and the insolence,
fraud and drunkenness
of domestic servants, has
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ters at Polacamma that
is absolutely intolerable.
The Secretary Mr. Rae's
letter on this resolution
states that the miscon-
duct of the servants on
the Hills is mainly due
to the working of the
Abkaree Department
and to the inefficiency
of the Police. The Collector
might be called on thro'
the Revenue Department
to report on the allegd
evils of the Abkaree Sys-
tem. As to the Police, the
Police Act XXIV. 1859 has
recently been extended
to the Coimbatore District
and it is hoped that
matters may soon mend
in this respect.

5.- To remedy the ex-
tortion, complained of,
it seems very desirable
that

both parties - It
might also be taken
if so appointed
for it -
This Presidency
generally is sadly
in want of a
law of this kind
& &c

that a table of rates of hire should be determined and issued from time to time by the local authority according to the existing value of labour; that in respect of carrying or transport coolies, the weight to be carried by them, and the time to be consumed should also be fixed; and that further, as the system of cooly Masistries or Contractors, recently introduced, has been found to work in a most pernicious manner, the same should be abolished, and the Cutwal be again authorized to give assistance in procuring coolies and others, under such restrictions as may appear sufficient to guard his agency in the matter from abuse.
This part of the question may be considered in the Revenue Department to which it belongs

belongs, and in which there has I believe been some correspondence on the subject.

6.— Resolution III avers that "to provide against the present injurious consequences that result from the gross misconduct of domestic servants, a fair and impartial Law ought to be enacted between Master and Servant, and which should bring the relation between them under the cognizance of the Police authority and by Resolution V. A Committee has been appointed for the purpose of framing petitions to the Government of Madras and the Legislative Council - to his letter para: 4 Mr. Rae the Secretary, requests to be furnished with a copy of the draft Act prepared

prepared by the Advocate General in 1855 to regulate the relations between Master and Servant.—

7.— The draft act is put up and a copy may be furnished— The reasons for which it was not proceeded with will be seen from the report of the Penal Code Committee of 28th July 1855 forwarded in the Honorable Mr. Elliott's letter of 3d August 1855. A copy of this report may also be furnished to the committee. It is not probable that the application for such a law now would be attended with more success than it was then— The penal code is still "looming in the distance"— and altho' the Small Cause Court Act has not yet been extended to the Provinces, it is presumed that this Act or some analogous measure will at some no very distant time be introduced there— Moreover there is at present a Civil Court at Cotacammund and the course of procedure in the Mofussil Courts has lately been simplified and shortened by Act VIII— 1859.—

8.— Resolution IV asserts that the introduction of the Military Bazar Regulation into Cotacammund and its reconstitution as a Military Cantonment although abstractedly an evil, would be preferable to the existing state of things. It is not necessary to consider this assertion— Cotacammund is essentially a Civil Station and can never again be made a Cantonment nor established on the footing of a Military Bazar Station.—

The

& I The last resolution is a very proper one. The parties present pledge themselves not to employ any servants or work-men without a cha-racter.—

Great complaints are, I am aware made at the Hill Stations-ootacamund especially as to the existing state of things. There is said to be no control over servants, nor any check on the extortion or mis-conduct of coolies, bandy-men and others. It is not easy to apply a remedy. A law of Mas-ter and Servant will hardly be got from the Legislative Council. Reg: XI - 1816 Sec: III does in-deed authorize Magis-trates to determine the rates to be paid in their respective distrcts by travellers to palanqueen bearers, coolies and boatmen

between and for draught and carriage cattle - but this, if it could be carried out, would only benefit parties travelling to or from the Hills - not those resident there who must still pay what-ever cooly or cart hire may be demanded of them. And as to travel-lers there is no provision in the regulation for re-gistering coolies or bandy-men, nor penalty pre-scribed if they refuse to work for the rates laid down. Practically there-fore the Regulation is a dead letter.

Much improvement may it is hoped be ef-fected in these matters on the Railway reaching Coimbatore 28 Miles from the foot of the Hills, which it may be expected to do by about the end of the year. Persons resorting to the Neilgherries will then

them bring up their own servants and will not be so much dependent on the indifferent lot now on the Hills - who on the other hand will be improved by the competition then brought to bear upon them - Steam=ship Companies for the conveyance of both pas=sengers and goods such as there are at Madras and Bangalore now — &. will no doubt be or=ganized at Coimbatore to ply between that place and Ootacamund to the great benefit of all concerned. —

J.P.

Laws subsidiary
or Ats Supts.

Pro of July

Judicial 1860 Departt

№ 960.

Proceedings of Govt

Dated 31st July 1860.

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