

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1164	Press
221-223	~~His.~~
Dated 24.7.1882	to .

4/4

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
21th July 1862.*

Read the following papers:—

No. 221. From JAMES OUCHTERLONY, Esq., Goodaloor; to the Honorable T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Ootacamund, 15th March 1862.

I have the honor to request the favor of your bringing the following subject under the consideration of the Right Honorable the Governor in Council.

2. There are two Judicial Stations in the Malabar coast contiguous to the District of Wynad, viz., Calicut, where there is a Subordinate Court and a Civil Court, and Tellicherry, where there exists a Principal Sudder Ameen's and a Civil Court. But it is to the jurisdiction of the Courts of the latter place alone, that the whole District of Wynad is made subject.

3. Now in the days when the jurisdiction was so established, the remoteness of the Courts from certain parts of Wynad may have been a matter of comparatively little importance. The District must then have been pretty nearly a waste, and few interests can have existed, which would excite questions needing the determination of Judicial tribunals. But the position of affairs has now entirely altered. Since the development of the Coffee industry new and important interests have arisen, and facilities for the Judicial decision of disputed points have become a grave necessity. I trust it may be conceded that "bringing the law home to every man's door" is not a mere form of words, but on the contrary a policy so fundamentally sound and beneficial, that it loudly calls to be pursued to the utmost extent that its accomplishment may be feasible.

4. In the case now under notice, a glance at the Map will make it at once clear to His Excellency in Council, that however Tellicherry may suit the convenience of residents in the Northern parts of Wynad, about Manentody, it is quite out of the way for those occupying the Southern and South Eastern parts of the District. For the necessities of these two latter, the Judicial station of Calicut seems to be incontestibly the plain and natural resort, from its far closer proximity even as the crow flies; but much more when all the circumstances are considered which connect these parts with Calicut.

5. In the first place, while it is between 110 and 120 miles by road from Goodaloor (for South Eastern Wynad) to Tellicherry, and 60 or more from Lackady (for Southern Wynad) to the same station, the respective distances, in the case of Calicut, are only 77 and 30 miles. But more than this, the longer journey is over a difficult country and a bad road, (indeed it is a journey which is scarce practicable in the monsoon) whereas, in proceeding from Goodaloor to Calicut, there is an additional facility afforded by the new line of the Carcoor Ghaut, besides that an opportunity of 30 miles of river transit by the Beypoor stream really shortens that road to less than 50 miles; and, in respect of Lackady, the few miles of the Tambercherry Ghaut present the only difficulty to be got over, and this is now in course of effective improvement. Setting however aside the facility of river communication and the improved Ghauts on the Calicut side, the new and material accommodation of the *Railway* still remains to be considered. It is a fact that residents about Goodaloor would, by proceeding across the Neilgherries and taking the rail at Coimbatore, have only two-thirds of the journey to Tellicherry to traverse, ere being placed in the ease, and few hours journey to Calicut, of a Railway carriage. And surely it will be a grave anomaly if, after having arrived at this Judicial Station, they are then compelled to make a long coast journey to arrive at another, where Courts of precisely the same character and powers alone exist!

6. I may be allowed to hope that it will be remembered also, that the ports of Calicut and Beypoor are the actual as well as natural outlet of the Southern and South Eastern parts of Wynad, that cultivators in these parts have a close business connection with them, and that the mutual intercourse is necessarily great and extending. With Tellicherry, on the other hand, they have nothing whatever to do; and they cannot avoid feeling it as a grievous hardship that, in any cases requiring the interference or agency of the Law Courts, whether in suits or registration of deeds, they should be compelled to an onerous and difficult journey, involving a serious waste of time, or else have to abandon the enforcement of a just claim or the completion of a useful and necessary act.

Proceedings of the Madras Government, Judicial Department,
24th July 1862.

7. I humbly hope that the Government will be pleased to take the foregoing into its consideration, and that His Excellency in Council may be led to think that there is reason in the solicitation, that Southern and South Eastern Wynad may be at once placed under the jurisdiction of the Courts at Calicut.

Referred to the Sudder Court for their remarks.

FORT SAINT GEORGE,
24th March 1862.

(Signed) T. PYCROFT,
Chief Secretary.

No. 222. From C. F. CHAMIER, Esq., Registrar of the Sudder Court; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, dated Madras, 11th July 1862, No. 78.

1. I am directed to state, with respect to the Order of reference dated 24th March last, passed on a letter addressed to Government by Mr. J. Ouchterlony, that the Judges learn from the Civil Judge of Calicut that he and the Collector of Malabar are both in favor of the change suggested by that gentleman.

2. The Judges concur in their views, and recommend that South and South East Wynad be transferred from the jurisdiction of the Civil Court of Tellicherry to that of the Civil Court of Calicut.

3. Draft of a Notification is herewith submitted.

No. 223. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 24th July 1862, No. 1,164.

I am directed to request that under the provision of Act VII of 1843, Section LIV, His Excellency the Governor General in Council will be pleased to sanction the transfer of the tracts named in the margin, belonging to the Talook of Wynad and which are now under the jurisdiction of the Zillah Court of Tellicherry, to the jurisdiction of the Zillah Court at Calicut. The tracts in question which have lately become of considerable importance, from the extension of Coffee cultivation, are geographically very much nearer to Calicut than to Tellicherry, while the Southern parts are within easy reach of the South Western Railway, the terminus of which is close to Calicut.

SOUTH WYNAD.
Prithady.
Ganapathivattom.
Alupurad.
Tondornad.
Kurumbala.
Edanarasur.
Vaitire.

SOUTH EAST WYNAD.
Cherangod.
Nambolikod.
Mun-nad.

2. The transfer of jurisdiction now proposed has been pressed upon this Government by Mr. J. Ouchterlony, one of the Principal Coffee Proprietors in that part of Wynad, and the Sudder Court, to whom his letter was referred, after consulting the Zillah Judge of Calicut and the Collector of Malabar, have recommended that the transfer should be carried out.

3. A copy of Mr. Ouchterlony's letter is annexed.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. F. Cartledge.

Recd 25th

Judicial Department

No. 1164.

The Secretary to the Government
of India
Home Department

Sir,

I am directed to request that

under the provision of Act VII of 1843 - Section LIV, His Excellency the Governor General in Council will be pleased to sanction the transfer of the tracts named in the margin, belonging to the Talook of Wynad and which are now under the jurisdiction of the Zillah Court of Tellicherry, to the jurisdiction of the Zillah Court at Calicut. The tracts in question which have lately become of considerable importance, from the extension of Coffee cultivation, are geographically very much nearer to Calicut than to Tellicherry, while the Southern parts are within easy reach of the South Western Railway the terminus of which is close to Calicut.

South Wynad

Prithady.
Ganapathivattom.
Alupurad.
Tondornad.
Kurumbala.
Edanarasur.
Vaitire.

South East Wynad

Cherangod.
Nambolikod.
Mun-nad.

W. J. L.

W. J. L.

The.

Judicial 1862 - 10044.
Chandragiri
10/11/64.

W. The Secretary to the
Court of Madras.
Madras & Co.

8/24 - July 1862.
D. No. 17312 2510.
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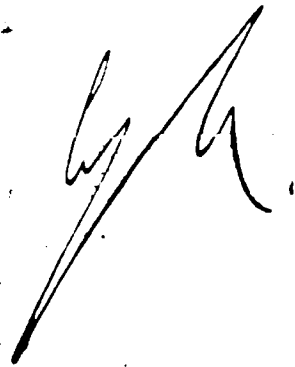
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Judicial Court of Madras.

22/1/1862

2 The transfer of jurisdiction now
proposed has been pressed upon this Govern-
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principal Coffee proprietors in that part
of Nynad, and the Sudder Court, to whom
his letter was referred, after consulting
the Zilla Judge of Calicut and the
Collector of Malabar have recommended
that the transfer should be carried out.

3 A copy of Mr. Auchterlony's
letter is annexed.

For the Court of Madras,
24th July 1862



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