

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1058	Press
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*Proceedings of the Madras Government, Judicial Department,
1st July 1863.*

No. 9. Read the following Proceedings of Government in the Revenue Department, dated 26th November 1862, No. 2,489.

Forwarding for consideration the questions relative to legalizing the levy of fees as suggested by the Wainad Planters' Association to pay the peons proposed to be employed to serve Warrants under Act XIII of 1859, the expediency of constituting an office at Manantoddy for the registry of Deeds, &c., in Wainad under Regulation XVII of 1802, and the transfer of the Criminal jurisdiction of South and South-east Wainad from the Courts of Tellicherry to those of Calicut.

(Vide Proceedings Revenue Department, dated 26th November 1862, Nos. 319--323.)

No. 10. ORDER THEREON, 1st July 1863, No. 1,058.

For the relief of the Deputy Collector in Wainad, in respect of the duties devolving on him as District Moonsiff, the Sub-Magistrates at Vaitri and Goodalur have been invested with the powers of District Moonsiffs.

2. The Police are no longer liable to serve processes issued under Act XIII of 1859, as the Act III of 1863, Madras, to make special provision for this service, has received the assent of the Governor General.

3. As to establishing an office at Manantoddy for the registry of Deeds, &c., in Wainad, it is observed that the present law does not admit of subordinate offices of registration, but the Bill introduced into the Governor General's Council for making Laws, provides for this. With the probability of an imperial Act being passed in a few months, local legislation for the same purpose is inexpedient.

4. A Notification has been published in the Fort Saint George Gazette transferring south and south-east Wainad, excepting the Tondarnad Umshom, to the Calicut Zillah.

(Signed) J. D. SIM,
Secretary to Government.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Collector of Malabar.

| (Here enter 28th January and 24th April 1862, Nos. 11 and 36.)

Address from the Planter Association of Western India. | (Here enter 4th November 1862.)

Reply of His Excellency the Governor to | (Here enter do. do.)

ORDER THEREON, 26th November 1862, No. 2,489.

1. The representations of the Planter Association of Wainád may be classed under the following heads:—

- I. Want of good roads.
- II. Inadequacy of Magisterial, Police and Judicial arrangements.
- III. Defective Postal arrangements.
- IV. Want of Telegraphic communication with Calicut and Tellicherry.
- V. Want of a Law and local means, for registration.

Before proceeding to discuss these representations in detail, the Governor in Council observes that the disbursements under all heads in the Wainád Taluq in Fasli 1271 appear to have been about Rupees 1,26,000, while the receipts for the same period were only about Rupees 1,16,000. It cannot, therefore, be said that the Government have been parsimonious; however it may be urged that the expenditure has been partially misdirected or of an exceptional and temporary character. But the Province, as the Association point out, is rapidly improving, European capital and enterprise are being largely introduced, and the Government readily admit that Wainád will well repay a judicious outlay of public funds in the development of its resources and the improvement of its administration.

3. The attention of Government has of late been forcibly drawn to the condition of the passes into Wainád and the roads on the plateau. There are now four passes, viz., the Periah, Coottiaddy, Tambercherry and Carcoor Ghauts.

4. The Periah Ghaut leading from Manantoddy to Tellicherry is reported "practicable" for carts, but the trace is radically bad and the conveyance of produce on carts though possible must be both difficult and expensive.

5. The Coottiaddy Ghaut is better traced than the Periah, but there is no good road to the foot.

6. The Tambercherry Ghaut from its construction is undoubtedly the most important opening into Wainád, but unfortunately it is also the most expensive. The communication with the coast is good, and two Companies of coolies are now employed in opening out the only difficult portion near the top. The estimate for completing the pass as a cart road is about Rupees 1,50,000.

7. The Carcoor Ghaut has only recently been undertaken, and fair progress has been made upon it. It opens out a fine road to the coast and Beypor.

8. It has hitherto been the intention of Government to open the above passes simultaneously. The Taluq might equally share in the benefits of the expenditure of public money. But the rapid extension of Coffee cultivation and the increasing difficulty of procuring bullocks for the conveyance of the crop to the sea coast, render it expedient that the efforts of Government should be more concentrated. The Association state that 25 bullocks are now required for the transport of a ton of Coffee, and they calculate that no less than 28,000 bullocks will be needed to carry the crop of 1863 to the coast for shipment. It is obvious that if by the opening of even a single Ghaut as a cart road 4 or 6 bullocks can convey a ton in carts, at least 19 bullocks will be saved. The road, once passing along that road, be made available for other localities, and thus the convenience of the road, though of course greatest to those immediately concerned, will also indirectly but materially be felt by more distant proprietors. Under these circumstances the Governor in Council cannot be more actively engaged than

by opening two cart roads into the Talúq as soon as possible, and meanwhile merely doing so much to the other two Ghauts as will make them easily practicable for laden bullocks. The selection of the Ghauts is necessarily a matter of some difficulty; but after a careful consideration of the relative advantages of each, the Governor in Council is of opinion that the opening of the Tambercherry and Carcoor Ghauts as cart roads will, under existing circumstances, be most advantageous, and orders will accordingly be issued in the Department Public Works. Two Companies of Sappers are now employed on the Tambercherry Ghaut, but both the District Engineer and Collector urged the necessity of employing an Officer specially to re-examine the trace and superintend the operations, and they both named Captain Kennedy, now in command of the Sappers on the Ghaut, as well qualified for the task. Orders will be passed on this subject also in the Public Works Department and measures adopted for the rapid completion of these two Ghauts. Captain Bean, the District Engineer, verbally informed the President that although a considerable sum would be required to make the Periah Ghaut a good one, the outlay of a few thousand Rupees would enable him materially to improve it and the Cootiaddy pass and render them easily practicable for bullocks. The sum mentioned by Captain Bean was 8,000 Rupees and, if the appropriations of this year permit, the Government would wish a grant of this amount to be made; otherwise it must be provided in the Budget of next year.

9. As soon as the different Ghauts are really practicable either for bullocks or carts, tolls will be levied for their future maintenance. The Association state that the "planters will gladly submit to any equitable impost of that nature," and it is but just that those who benefit by roads made at a large outlay of public money should at least maintain them, after being so made. Of the advantage of good roads to the planters no better, though it certainly is an extreme, illustration could be desired than the offer of Messrs. Leckie & Co. to pay 10 Rupees per ton, for a really good road, and their statement that the carriage of a ton of Coffee to Calicut cost nearly double as much as its conveyance thence to England.

10. On the plateau of Wainád twelve lines of road have been selected by Government for execution out of the public funds, and an annual grant of Rupees 50,000. The thorough completion of these roads is estimated ultimately to cost about 1,00,000 Rupees, so that, making allowance for intermediate repairs and a few large bridges, not included in the estimate, it will be about ten years before this programme will be worked out. It is necessary therefore both that the annual grant should be increased and that the lines selected should be carefully re-considered. As to the grant, the Governor in Council considered that it should be increased exclusive of establishment to Rupees 50,000, which seems to be what the District Engineer can at present efficiently lay out. The grant for the current year is accordingly, so as to admit of advantage being fully taken of the present working season and a corresponding provision will be made in next year's Budget.

11. The following are the main lines of communication, and with the exception of the three last, the selection is undoubtedly good:—

	Money already expended.	Sum still required.
	rs.	rs.
I. From the Periah Ghaut to Manantoddy.....	1,982	16,100
II. From Manantoddy to Bowally on the Mysore frontier...	10,762	10,600
III. From the Cootiaddy Ghaut to Manantoddy.....	...	12,600
IV. From the Tambercherry Ghaut via Terriote to Manantoddy.....	12,696	27,300
V. From do. to do. via Culputty and Penmurrin.....	4,222	21,600
VI. From Manantoddy via Penmurrin to Goodaloor...	1,219	34,400
VII. From Tambercherry Ghaut to Sultan's Battery.....	...	39,600
VIII. From Sultan's Battery to the Mysore frontier.....	...	22,100
IX. From Carcoor Pass to Mysore frontier via Goodaloor and Tippecadool.....	...	...
X. From Corote to Terriote.....	...	11,200
XI. From Terriote to Culputty.....	...	6,400
XII. From Corote to Periah.....	...	9,600

12. The three last are really cross roads of no great general importance, and it is clear that in undertaking the other nine, which will cost fully 2½ lacs, the Government will be doing as much for Wainád as their means and the no less urgent wants of other parts of the Presidency permit. In laying out the additional money granted this year, the District Engineer will carefully avoid the desultory patching up of numerous lines and will concentrate his avail-ability on one or two lines, which should be finished at once and then provided with a conservancy establishment to maintain them in proper repair. The preference should be given to those roads which lead from the passes to the Mysore frontier, whereby labor and expense reach the Talook.

The above programme however provides only for the ghauts and main lines on the plateau. Many cross lines will still be necessary, which the Government cannot undertake without, in fact, taxing other Districts for the benefit of Wainád. This duty must necessarily devolve on the inhabitants of the Talook and all that the Government can do is, by means of a legal enactment, to enable the landholders of any locality to raise funds for such purposes by a cess on lands, by tolls, or by such other means as may be most acceptable to those concerned. The burden will thus be fairly distributed on all who share the advantage, and it will be out of the power of a few unenlightened or self-interested proprietors to retard the progress of the country and counteract the efforts of the majority. It will of course be optional with the landholders to take advantage of this power or not, but it must be distinctly understood that the Government cannot undertake more than the main lines and Ghauts, which will of themselves cost fully 6 lacs of Rupees. If, as is hoped, the landholders avail themselves of the power thus afforded to them, the Government will aid their efforts so far as to give them the assistance and advice of their Engineer and Revenue Officers, but the actual collection and outlay for the local fund will be left to the management of a Committee or officer appointed by the rate-payers themselves. The Board of Revenue will in communication with the Chief Engineer and the local Officers draw up and submit an outline of an Act having these objects in view.

13. The adequacy of Magisterial and Police arrangements.

Staff in

(1.) A Deputy Collector and Magistrate exercising the same powers as at present in the District Moonsiff.

(2.) A Tahsildár with Magisterial power with the usual establishment.

(3.) A Sub-Magistrate at Vithery.

14. Recently the Government have sanctioned another Sub-Magistrate and he as well as the present Sub-Magistrate and the Deputy Collector and Tahsildár have been invested also with the same powers under Act XIII of 1859.

15. The duties devolving on the Deputy Collector and Magistrate are certainly more than he can perform promptly and efficiently, but the Governor in Council is inclined to think that the best course will be to relieve him of his work as District Moonsiff, by appointing an Officer of that grade to the Talúq. An additional Deputy Collector is not at present available, and there are objections to the appointment of two Officers of that class to the same Talúq, as the executive establishment is thus placed under two heads. A reference has already been made to the High Court on the subject of employing a District Moonsiff in Wainád and as soon as the Court's decision is received the Government will decide on the course to be adopted.

The Police of Wainád now costs about Rupees 16,000 annually, a sum which, *prima facie*, is sufficient to maintain an efficient force. The Inspector General has recently proposed changes in the force which promise to increase its efficiency. The Government have accordingly sanctioned. By this arrangement there will be a well paid Inspector at Manantoddy, Vithery and Goodaloor, and a force of 103 Constables at different places in the Talook. The Government hope that the effectiveness of the Police administration will thus be materially improved. The suggestion of the Association that special Peons should be employed to serve Warrants under Act XIII of 1859 and be paid by fees on all such Warrants, will relieve the regular Police of an onerous duty and seems altogether a very desirable arrangement.

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The Government have referred the question to their

Law Officer and are informed that a legal enactment is requisite for the levy of such fees. The necessary steps will be taken in the Judicial Department to legalize the levy of fees suggested by the Association.

III. Defective Postal arrangements.

17. The Postal arrangements of Wainád are very defective. For instance, a letter from Goodaloor to Manantoddy, only 50 miles west of it, is carried 70 miles to Coimbatore in exactly the opposite direction, thence back again by rail to Calicut, and finally eastwards to its destination. It thus traverses a route of about 240 miles while the actual distance between the two places is only 50 miles. Mr. Pelly's revised scheme which is now being submitted to the Supreme Government provides for runners between Goodaloor and Manantoddy, but some time must elapse before sanction can be received from the Supreme Government and the completion of this short link in the chain of postal communication is really urgent, and there are ample funds available in the Budget, the Governor in Council resolves to direct that the necessary establishment be at once entertained according to Mr. Pelly's scheme. The Government are not sure whether there is any postal communication between Goodaloor and Ootacamund. If there is not, Mr. Pelly will arrange at once for the continuation of the Manantoddy line to the latter place. The circumstances under which the sanction of the Supreme Government has been anticipated, will be duly explained to that Government.

IV. Telegraphic communication with Tellicherry and Calicut.

21st March 1860, No. 418, Public Department.

18. In March 1860, this Government applied to the Superintendent of Electric Telegraphs in India for the extension of the Telegraph from Calicut to Manantoddy. The Superintendent expressed his opinion that the construction of the line would be inexpensive and that the receipts would be considerably more than the expenditure, but explained that without the sanction of the Government of India he could not undertake the work. Application was thereupon made to the Government of India, who however declined sanction on financial grounds.

19. In June 1859 this Government Government, urging the extension of the Telegraph from Calicut to Paumben through Alleppey, Quilon, Trivandrum and Tuticorin and the establishment of Telegraphic communication between Cannanore and Dharwar, via Mangalore, Honore, Coomptah, Sedasheghur and Sircy. These lines were entirely approved by the Superintendent and preparations had been made for proceeding with them, but the Superintendent's estimate was disallowed by the Supreme Government, on the ground that there "no pressing necessity for their being proceeded with immediately." In September the line from Paumben to Tuticorin was sanctioned, the further extension being reserved for future consideration.

20th January, 1862, No. 90, Public Department.

20. In January last this Government reverted to the subject and requested the Supreme Government to re-consider their former decision. In the following March a representation from the Cochin Chamber of Commerce, supported by the Wainád Planters' Association in favor of the line from Cannanore to Mangalore with an Office at Tellicherry was forwarded to the Government of India. To neither of these last communications have the Government yet received any reply.

21. The Governor in Council resolved to urge the completion of the following lines, (1.) Trivandrum, Quilon and Alleppey to Cochin. (2.) Calicut to Manantoddy and Ootacamund. (3.) Cannanore via Mangalore to the Bombay line at Dharwar.

22. The opening of an Office at Tellicherry will also be applied for.

23. The Governor in Council understands that there is no communication by telegraph between Beypore, where the Railway Telegraph from Madras terminates, and an Office is maintained at a distant place, where the Government line terminates and an Office is maintained. It will therefore recommend that this small gap be supplied and a telegraph line thus established between Coimbatore, Salem, &c., and Calicut.

V. Want of a law for the registration of Deeds, &c., and want of local means of registry.

24. As regards a legal enactment for the registration of Deeds, the Government observe that the project of such a law is now under the consideration of the Governor General's Council, and it is obvious that a law of this nature should be of general application and not limited to a single Talook of the Presidency. Further, the question of rendering registration compulsory needs much consideration, and the Governor in Council is not prepared at present to discuss the subject. But the request of the Association that means of registry under the existing law may be afforded to them at Manantoddy is but reasonable. The distance to Calicut and Tellicherry is considerable, and the Natives of Wainád are often averse to going into the low country. The expediency of constituting an Office at Manantoddy for the registry of Deeds, &c., in Wainád, under Regulation XVII of 1802, will therefore be considered in the Judicial Department.

25. The Government have lately transferred the Civil jurisdiction of south and south-east Wainád from the Courts of Tellicherry to those of Calicut. The request of the Association that the Criminal and Police jurisdiction of those tracts should also be transferred to the latter Courts will be considered in the Judicial Department.

26. The only other point on which the Association touch is the discontinuance of the Revenue Survey and Settlement of Wainád. This step was adopted because no advantages resulted commensurate with the heavy expense incurred, but the Government have determined to maintain a Survey establishment in Wainád, both for public purposes and also to enable proprietors of lands to have them surveyed and mapped on payment. The Superintendent of Survey will be directed to report what has been done to carry out this decision. The measures adopted by Government have, it may be observed, been fully approved by Her Majesty's Secretary of State for India.

(True Extract.)

To the Department of Public Works.
" Board of Revenue.
" Judicial Department.
" Public &c. do.
" Planters' Association Western India.
" Director of Revenue Settlement.
" Superintendent of Revenue Survey.
Honorable C. Pelly.
General.

L. S. T. August

Proceedings of the Madras Govt.
Exec. Pro. 25 Nov. '32 N^o 2,489. Rev. Sept.

Para 15.

For the relief of the Deputy Collector in Wainmad, in respect of the duties devolved upon him as District Munsiff, the Sub Magistrates at Vaitri & Chidambur have been invested with the powers of District Munsiff.

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2. The Police are to serve processes issued under Act XIII - '59 - as the Act III - '16. Madras, to make special provision for this service, has received the assent of the Governor General.

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3. As to establishing an Office at Mamontoddy for the registry of Deeds, &c., in Mainad, it is observed that the present Law does not admit of subordination of offices of registration, but the bill introduced into the Governor General's Council⁺ provides for this. With the probability of an imperial act being passed in a few months, local legislation for the same purpose is inexpedient.

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4. A Notification has been published in the Fort St. George Gazette transferring South & South east Mainad, excepting the Tondarnad Umshom, to the Calicut Hillah.

The Rev: Sept.

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Dec. 16 1868. Department.

No. 1058

PROCEEDINGS OF GOVERNMENT,

Dated 1-24-1868.