M.R.O. 1—33,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 97 (123-24) Press ~~Mis.~~ Cy C.

123-124

Dated 23.1.1883 E .

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 23rd January 1863.

No. 123. Read the following letter from the Honorable C. PELLY, Member of the Board of Revenue; to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 19th December 1862, No. 1,415.

I have the honor with reference to the Order of Government, dated 8th December 1862, No. 1,990, Judicial Department, referred to me for report in Order of Government, dated 9th idem, No. 2,571, Revenue Department, to submit a letter* from the Collector of Malabar in which he very strongly expresses his opinion against investing the Sub-Magistrate of Goodalur with the functions of a District Moonsiff. It seems to me that the functions of the two Officers could not be conveniently combined in the person of the Sub-Magistrate in Wynaad, whose proper duties are hardly compatible, as pointed out by Mr. Ballard, with those required for a District Moonsiff.

* Dated 15th December 1862, No. 5,605.

From G. A. BALLARD, Esq., Collector of Malabar; to the Honorable C. PELLY, Member of the Board of Revenue, Fort Saint George, dated Calicut, 15th December 1862, No. 5,605.

With reference to your letter of the 11th instant received this day, as you desire a very early reply I have the honor to submit the following remarks.

2. I sent up as Sub-Magistrate to Goodalur (when the sanction for the appointment came) a man whom I considered well qualified for the post, and who seems filling it very satisfactorily; but I never contemplated his undertaking District Moonsiff's duties, and I doubt if he is fitted to do so. I will, however, make enquiry.

3. But I must respectfully express my strong opinion that the union of the offices of District Moonsiff and Sub-Magistrate in one individual, especially in such a country as Wynaad, is not calculated to secure the efficient discharge of the duties of either post, and I can in no way recommend the arrangement.

4. I have already† observed, that though the number of cases on their files may not show that Sub-Magistrates at Vaitri and Goodalur are absolutely necessary, I consider it highly desirable to have those Officers. But I have endeavoured to secure active men and to impress in them that their duties are not merely confined to the routine work of office, but that I expect them to be constantly on the move, looking after the Police, assisting the Department Public Works, and actively interesting themselves in the general opening out and improvement of a wild country.

† Dated

5. Few active men suited to the above work are likely to be found qualified as District Moonsiffs. The training for a Moonsiff's Court lies in a different school, and qualification therefore is to be looked for in a different class of public servants.

6. Even if a *rara avis* combining all the requirements can be found, his judicial work would be liable to constant interruption from his more active duties, while the latter would be clogged by his judicial calls. I must therefore depricate the junction of incongruous functions.

7. With regard to the bi-section of the Taluk I would observe, that the Taluks of this District have but lately been re-arranged, and that frequent changes have a very unsettling effect.

8. For the reasons above given I certainly would not advocate two Taluk Sub-Magistrates with the duties of District Moonsiffs.

9. I am not sure however that sub-dividing Wynaad might not be found a desirable measure, but if done, it should be done after the fullest consideration, and I am not prepared to submit a proposition for doing so at present.

10. I hope to go through south-east Wynaad in the course of next month and on my return may be able to offer some remarks on the subject.

Transferred to the Judicial Department.

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

Proceedings of the Madras Government, Judicial Department,
23rd January 1863.

No. 124. ORDER THEREON, 23rd January 1863, No. 97.

His Excellency the Governor in Council adheres to the opinion that the Sub-Magistrate at Goodalur, as well as the Sub-Magistrate at Vaitri, should be invested with the powers of a District Moonsiff.

2. The Revenue work of these Officers will be very light. Their Magisterial functions will not be heavy, and they will have ample time for the adjudication of the cases that are likely to be brought before them, in their capacity of District Moonsiffs. On the other hand, it is of great importance that the residents of those parts of Wynaad of which Goodalur and Vaitri are the centres, should not be compelled to proceed to Manantoddy for every petty suit they may have occasion to institute, and the Government are satisfied that the best arrangement under present circumstances is that there should be an Officer at each of these stations invested with the powers of a District Moonsiff.

3. The Sub-Magistrates at Vaitri and Goodalur will accordingly be invested with the powers of District Moonsiffs, and the Honorable the Judges of the High Court will be requested, in communication with the Collector and Magistrate of Malabar, to define the territorial limits of each. If either of the Officers who have been appointed Sub-Magistrates at Vaitri and Goodalur should be considered unfit to exercise the powers of a District Moonsiff, other persons should be selected. The salaries of the two Sub-Magistrates in question will be fixed respectively at Rupees (125) one hundred and twenty-five per mensem.

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

Exd. T. McMoolry.

Note:

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There can be no doubt that it would be better to mark the functions of Dt. Moonsiffs separate - but the expense is too heavy - and I cannot see why a Sub: Magte should not in a special case like this do Civil work; just as a Civil Judge does Criminal work. The employment of a Sub Magte on all the miscellaneous work mentioned seems more open to objection. The Tahsildar of Wynaad only gets 150 Rs & the Sub Magte of Goodalore, if vested with Moonsiff powers should not get more than Rs 125

JAS.

Exd. T. McNoory.

Pro. 9th Decr/62 No 129-130.
— 14 October/62 — 2218.
— 3 July/62 — 35-36
— 31 October/62 — bin No 113

Transferred to the Judicial Dept.
I. D. Law

97 Judl.
23-1-1863

Judl. 1863 (Vol. 3)
No. 350
From Prov. Jail
The Hon'ble C. Dalton
Member of the Board
Revenue
&c. &c. &c.
The Secretary
to Government

Dated 19th Decr/62
Rec'd Decr 20th
Ordered 20th
Ore Inst: No. 14, 15

Forwarding a
letter from the Collector
Malabar expressing
his opinion against in
-sisting the Submajes-
-tate of Goodalur with
the punishment of a
Distrib Munsiff

123. 1 1
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Judicial Department. 4

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Honble C. Pelly, Member of the Bd of Revenue.

(Here enter 19th Decr 1832 No 1415)

Order thereon 23d January 1833 No 97.

His Excellency the Governor in Council adheres to the opinion that the Sub Magistrate at Goodalur, as well as the Sub Magistrate at Pattri, should be invested with the powers of a District Moonsiff.

2. The Revenue work of these Officers will be very light. Their Magisterial functions will not be heavy and they will have ample time for the adjudication of the cases that are likely to

Exd. T. McNoory.

to be brought before them, in their capacity of District Moonsiffs. On the other hand it is of great importance that the residents of those parts of Wynaad (which Gondalur and Vaitre are the centres, should not be compelled to proceed to Manantoddy for every petty suit they may have occasion to institute, and the Govt are satisfied that the best arrangement under present circumstances is that there should be an Officer at each of these Stations invested with the powers of a District Moonsiff.

3. ~~The Honble the Judges of the High Court will be~~ accordingly be requested to appoint the Sub Magistrates at Vaitre and Gondalur, ~~[illegible]~~ District Moonsiffs, ~~[illegible]~~ and on communication into the Collector and Magistrate

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Magistrate of Malabar to ~~submit a notification~~ defining the territorial limits of each of the 3 Moonsiffships in Wynaad. If either of the Officers who have been appointed Sub Magistrates at Vaitre and Gondalur should be considered unfit to exercise the powers of a District Moonsiff, other persons should be selected. ~~[illegible]~~

~~[illegible]~~ with the powers of

~~[illegible]~~ will be requested

~~To the Hon'ble~~ To the Hon'ble the Judges of the High Court.

~~[illegible]~~ C. Kelly. Member of the Bd of Revenue
" Revenue Depart.
" Board of Malabar
" Asst Collector
" Asst Magistrate

Rec'd 24/5/63

13-3-14

Judl 1863. Department

No. 97.

PROCEEDINGS of the MADRAS GOVERNMENT.

Fet. 480
2384
1105/65

Dated 23 January 63

Investing the Sub Magtes at Vaitiu and Goodalur with the powers of District Moonsiffs and requesting the High Court to define the territorial limits of each.

5329] Madras—Printed at the Government Press.

1237/24