

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

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*Proceedings of the Madras Government, Judicial Department,
10th January 1865.*

No. 77. Read the following papers :—

TO HIS EXCELLENCY THE HONORABLE SIR W. DENISON, K. C. B.,
Governor in Council, Fort Saint George.

The humble Petition of DOWD HAD-
JEE AHMED, and thirteen others,
Merchants, trading in Calvetty and
other parts of British Cochin, and its
close vicinity.

HUMBLY SHREWETH,

That petitioners, in taking the liberty of submitting to your Excellency in Council copies of a petition and endorsement thereon, most submissively beg you will be pleased to take into consideration the following observations :—

1st.—That the seven Villages or Amshoms therein named, are *not* in the *Cochin Circar*, as mentioned in the Endorsement from your Excellency in Council, but *they are* in Ponany Taluq, and form part of *British Cochin*, under the jurisdiction of the Principal Sudder Ameen of Cochin.

2nd.—That the Principal Sudder Ameen of Cochin extends his jurisdiction over those places in criminal matters and Civil cases, the amount of which extends to 1000 Rupees.

3rd.—That the authority given by Government to the Principal Sudder Ameen of Cochin to preside himself as a Judge of the Small Cause Court, coming under Acts XLII of 1850 and IV of 1863, is only extended to the Town of British Cochin and its immediate suburbs, or in other words to the places outside the walls of the town—hearing and determining cases under 500 Rupees.

4th.—That Petitioners' request is that the Principal Sudder Ameen of Cochin may be vested with Judicial powers as the Presiding Officer of a Small Cause Court over the seven Villages or Amshoms which are under him, as Principal Sudder Ameen, and which do not lie in the territory of the Cochin Circar, as erroneously expressed in the Endorsement passed by your Honor in Council.

5th.—That the file of the Principal Sudder Ameen of Cochin, being a great deal lower than that of the Moonsiff of Chawghaut, petitioners believe that their right to claim for an extension of the power of the former Officer over the above said seven Amshoms will not entail on that Officer any additional work, or on the Government any extra expense.

6th.—That although a Moonsiff is stationed at Chawghaut, British Town of Cochin will better suit their convenience, being a port where they carry on an extensive trade, contributing to the income of Government in the shape of Customs Duties, &c.

2. That under the above circumstances, petitioners most humbly and earnestly pray that your Excellency in Council will be pleased to remove the wrong impression made on your Excellency in Council, by the discrepancy and variance in the petition and endorsement, above cited, (copies herewith submitted), and vest the required power on the Principal Sudder Ameen of Cochin, to hear and determine cases coming before him under the Acts above quoted, as the Presiding

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Officer of a Small Cause Court, arising in the aforesaid seven Villages or Amshoms, for which petitioners shall, as in duty bound, ever pray.

BRITISH COCHIN,
1st October 1864.

(Signed) DOWD HADJEE AHMED.
(") COCHA BAWAH.
(") BAWOO CUNYHA KRISTNA.
and 11 others.

TO HIS EXCELLENCY THE HONORABLE SIR W. DENISON, K.C.B.,
Governor of Madras in Council.

The humble Petition of DOWD HADJEE AHMED, trading in Calvetty, and in Attepuruen, and seven Villages or Amshoms, and PONENELTHA COCHA BAWAH, and BAWOO CUNYHA KRISTNEN, and ABRAM WIDENAH and others, residing in Muttoncherry in the Cochin Circar Territories.

SIR,

That according to Act No. XLII of 1860, and Act No. IV of 1863, suits amounting to 500 Rupees are admitted as coming within the authority and jurisdiction of the Principal Sudder Ameen of Cochin, but extending only to the town and suburbs of Cochin; while suits amounting to (50) fifty Rupees in seven Villages, or Amshoms, in Ponany Taluq, viz., Pananguad, Papiniwattom, Kaipamangalom, Eddatheroothee, Palliporom, Nattiga, and Wadanapally, according to the aforesaid Acts, the Moonsiff of Chowghaut has been given jurisdiction over.

2. The said seven Villages, or Amshoms, are situate close to Cochin, while the merchants trading at Cochin have extensive commercial dealings with the inhabitants of those said villages. Petitioners, therefore, respectfully solicit that the jurisdiction over these seven villages be also extended by your Government to the Principal Sudder Ameen's Court at Cochin. But if the whole of the said seven villages cannot be given over in suits amounting to 1000 Rupees, to the jurisdiction of the Principal Sudder Ameen of Cochin, petitioners, however, beg to solicit that the jurisdiction up to (500) five hundred Rupees, or the Small Cause Court jurisdiction of the Principal Sudder Ameen's Court at Cochin, be extended, in these said seven villages, for the facilitating the business and recovery of money, summarily, by petitioners there, since they are subjected to much delay and expense now in bringing their claims before the Moonsiff of Chowghaut, the distance from Cochin to Chowghaut being about fifty miles.

3. That it appears there is a lesser number of suits on the file of the Principal Sudder Ameen's Court at Cochin, than that on the file of the Moonsiff's Court of Chowghaut, and petitioners crave, therefore, that their application to your Government to extend the jurisdiction over these seven Amshoms, or Villages, be

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extended to the Court of the Principal Sudder Ameen of Cochin, as above alluded to.

And your petitioners, as in duty bound, will ever pray.

MUTTONCHERRY IN COCHIN,
12th July 1864.

(Signed) DOWD HADJEE AHMED.
(") COCHA BAWAH.
and 12 others.

ENDORSEMENT, No. 1959 of 1864.

Government are unable to extend the jurisdiction of the Principal Sudder Ameen of Cochin, who is an Officer of Government, to places which pertain to the Cochin Circar.

(By Order).

FORT SAINT GEORGE,
30th July 1864.

(Signed) C. G. WALKER,
Deputy Secy. to Government.

No. 78. From H. D. COOK, Esq., Civil Judge of Calicut, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated, Calicut, 8th November 1864, No. ³⁹⁶ 1864.

I have the honor, with reference to a Memorandum, No. 2689 of 1864, from the Under Secretary to Government, dated 21st October 1864, to state that the marginal Amshoms or Villages comprise the local jurisdiction of the Principal Sudder Ameen of Cochin.

2. The exclusive special jurisdiction vested in the said Officer, under the Madras Act IV of 1863, is confined to the town of British Cochin, that is, the Cochin Amshom No. 1.

The Memorialists, it will be perceived, assert that they, as Merchants trading in the port of Cochin, will have their disputes arising out of their business transactions in the said seven Amshoms (Nos. 2 to 8) settled quicker, and justice administered to them nearer their door, if the exclusive special jurisdiction of the Cochin Principal Sudder Ameen is extended over those Amshoms, and they will be enabled to avoid taking all such of their cases, amounting in value to Rupees 500, for adjudication, as at present, to the distant Court of the District Moonsiff of Chowghaut, whose territorial jurisdiction embraces the said Amshoms in small causes not exceeding in value Rupees 50, and in other suits not exceeding Rupees 1000.

4. The two Memorials are herewith returned.

No. 79. From H. D. COOK, Esq., Civil Judge of Calicut, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, in the Judicial Department, Fort Saint George; dated, Calicut, 28th November 1864, No. ⁶⁴³ 1864.

With reference to the Memorandum of the Under Secretary in the Judicial Department, of the 18th instant, No. 583, I have the honor to report that I have nothing to urge against the extension of the jurisdiction of the Small Cause Court

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at Cochin, to any or all the seven Amshoms within the limits of the Cochin Principal Sudder Ameen, as specified in my letter to Government of the 8th instant, limiting, however, the extent of the Small Cause Jurisdiction to Rupees 500.

2. The petitions are herewith returned.

No. 80. From G. A. BALLARD, Esq., Collector of Malabar, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated, Calicut, 14th December 1864, No. 165A.

In reply to the Under Secretary's Memorandum, Judicial Department, dated

¹ Petition from Dowd Hajee Ahmed and 13 others, inhabitants of Cochin, dated, 1st October 1864, with one enclosure.

14th instant, No. 656, covering the papers noted, I have the honor to observe that the Amshoms mentioned by petitioners comprise a tract called Manapuram, about 22 miles in length, whose northern extremity is but a mile or two from Chowghaut, whereas its southern extremity is upwards of 20 miles from the town of Cochin.

2. I have no reason to believe that it is the general desire of the inhabitants that the Civil jurisdiction should be transferred, as proposed by petitioners, though as the latter, whilst connected with Manapuram, principally reside in British Cochin, the arrangement would suit their own convenience.

No. 81. ORDER THEREON, 10th January 1865, No. 46.
It appears from the report of the Collector that the transfer requested by the petitioners, though possibly convenient to themselves, would probably be by no means convenient to the other inhabitants of the tract of country in question.

2. The Governor in Council accordingly declines to accede to the prayer of the petitioners.

(True Extract).

Chief Secretary.

To the Collector of Malabar.

„ Dowd Hadjee Ahmed and others, Cochin.

Exd. J. H. Burns.

*Recd Petition from Dowd Hajee Ahmed - 1 Oct 1864
" Letter from Civil Judge of Calicut - 8+28 Dec/64
" " " " Collector of Malabar - 24 Dec/64*

No. 46 dated 10th Jan'y 1865.

It appears from the report of the Collector that the transfer requested by the Petitioners though possibly convenient to themselves would probably be by no means ^{convenient} to the other inhabitants of the tract of country in question

The Governor in Council accordingly declines to accede to the prayer of the Petitioners.

WON

*To the Collector of Malabar.
Dowd Hadjee Ahmed - Cochin - {delivered}*