CURRENT NO. 1486

Nilgiri District Magistrate's Office

No. 345/Magl. Ootacamund 5th April 1893

p. 1

From

C. Wolfe-Murray Esquire
Acting District Magistrate
Nilgiris

To

The Chief Secretary to Government
Judicial Department
Madras.

Sir,

I have the honor to submit herewith a letter dated 29th ultimo from Mr. J. W. S. Mackenzie one of the Honorary Magistrates of the Kotagiri Bench, tendering his resignation as such magistrate as he is about to leave for England, and to recommend that his resignation be accepted.

2. It is also suggested that the

acancy need not to be filled up at present, ending the decision of Government n this office letter No 215 dated 25th February 1893. Mr Rees was also f opinion that, in case any vacancy occurs in the Kotagiri Bench, it need not be filled up.

I have the honor to be,
Sir,
Your most obedient Servant

for Acting District Magistrate

5-4-93

(1893)

CURRENT No. 1486

Judicial

(Lco 918/93 Confdl)

rom

The District Magistrate

Nilgiris

o.

The Chief Secretary to Government

Judicial Department

Madras

ated 5th
esp.
eceived
} April 1893.

CHIEF SECRETARY'S 07 APL 93 GOVERNMENT

No. 543

Enclosure 1.

bject

Bench Magistrates, Kotagiri

ubmitting letter from Mr. J.W.S. Mackenzie
ndering his resignation as one
e of the Honorary Magistrates
Kotagiri Bench, & suggesting
at the vacancy need not
filled up.

P.

H.W.

Order { 20 April/93. R No. 44

Hcs
20 Apr

The following notification will be published in the Fort St. George Gazette:-

"Under the provisions of Section 41 of the Code of Criml. Procedure, 1882, the Rt. Hon'ble the Govr. in Council withdraws the powers of a Special Magte ~~for the town of Kotagiri~~ (a member of the Kotagiri Bench of Mag(s)) conferred on Mr. J.W.S. Mackenzie, who has resigned his appointment."

2. Para 2 of the Dt. Magte's letter read above will be considered along with his letter of the 28 Feby. 93 No. 215.x

x in circ

18 ap.

19.4.93

copied 25/4

DESPATCHED 26 APR 93 IN MS

Dt. Magte, Nilgiris

Gazette (Notifn) 25/4

Office

Return to Confl clerk sharp plea

19/4

C 19/4

Confidential

No. 88

Nilgiri Collector & District Magistrate's Offi

Ootacamund 12th January 18

From,

J.D. Rees Esqr C.I.E.,
Collector and Dist. Magistr
Nilgiris.

To,

The Secretary to the
Commissioner of
Land Revenue,
Madras.

Sir,

I beg leave to offer a fe observations with reference to the work to be done in this district and the distribution of the staff available for doing it.

2 The construction of the Railway adds another and a very weighty factor to those which already determine the incidence of most of the work to the East an South of Ootacamund. The present location of the Head A -tant Collector at Gudalur ordered when the gold pro of the S.E. Wynaad promi the

for mated

he last gold mine is to be closed
ext month, and there are but 66
urope an Planters in the division,
t. area of whose Coffee estates
mounts to 72,764 acres of which
; 509 acres are under cultivation.

3 On either side of Coonoor
n the Contrary the Country is
Covered with estates and the population
including the richest and most ~
nterprising Communities in the District
amounts to 42,798 as against 25,404
in Gudalur Division. The European
planters number 197 and the acreage
of their estates is 21,246 of which
12,172 acres are cultivated and
these estates are far superior and
mploy far more labour than those
of Gudalur. The Revenue of
Coonoor Compares with that of
Kron line as Rs 54,580 do with 59,361
tendeim
ne of the vs.

It might be inferred
Kotagir these facts that Coonoor
at the &c be the head quarters of
... ... ng.

the head Assistant Collector. No
doubt he is infinitely more neede
there than at Gudalur, but I
would not, supposing the question
to be open, recommend his loca
-tion at either station. The works
Connected with the Construction of
the Railway has fallen and should
Continue to fall upon the Collector
It is difficult and intricate and
needs the attention of the most
experienced officer in the district
What is needed is that the Collector
should be able freely to visit Coonoor
and indeed other parts of the district
and that he should be able to stay
a few days when wanted without bein
under the necessity to ret mea
-ly to preside at La
Game association
to assist at Lawrenc lum
and Municipal meetings at
Ootacamund and Bene
meetings at Kotagiri, to to
ded o
matee

magisterial cases and appeals and
t dispose of the routine work
f his division. That division
is no doubt a light one but when
the Collector leaves Head quarters
n everything connected with
the District and ~~division~~ alike has ordinarily
to wait till he returns and the present
system has not conduced to a speedy
despatch of business.

Assuming that the
District will be, as it usually is,
without an Assistant Collector
whose presence I admit is perhaps
not an actual necessity I think
as my predecessor did, that the
Head assistant Collector and Magistrate
should be located at Ootacamund
but I do not think he should
give up charge of S-E Wynád
Mr ut should retain charge
under at division with Ootacamund
e of the Collector keeping Coonoor,
Kotagiri t case the former officer
at the E

S. P. 7

would have 720 square miles
against a head assistant Collec
average of 1829 square miles
As District Munsiff he has
necessarily to spend 6 or 7 days
a month at Gudalur and dur
these visits and by prolonging them
when necessary, he could do all
that is needed at that ~~Sta~~ at
which is but 30 miles from Ootac-
-mund, and the S.E Wynád would
in that case receive as much attenti
as most Talugs in the Presidency
receive from a Covenanted Revenue
Officer. The Collector too could
visit that like other parts of the
district more frequently if he
had some one at head quarters to
carry on business during his
absence and to prevent p[illegible]s
falling into arrears. In [illegible] letter
No 405, dated 7th Septem 18
my predecessor ha[illegible] urge[illegible] to
necessity for some relief

Collector at head quarters and
the Board in its Proceedings No 671
dated 4th November 1890, remarked
that the work of the Collector
of the Nilgiris is not excessive. That
o doubt is the case, though plus the
Railway land acquisitions it has
in 1892 been considerable. But
ystens much as the Collector
should administer the District
and not merely dispose more or
less promptly of office papers I would
rge that he can best fulfil his
functions by being able to direct
his ~~[illegible]~~ tolerably uninterrupted
attention at any given time to that
business and that locality which
calls for it, and not by necessarily
attending meetings quâ meetings
irrespective of the importance
the business on any given day
transacted whereby more
than any busy man can
afford to lose, is wasted
upon

upon the roads.

6 The Deputy Tahsildar of
Coonoor will also soon require he
The Railway has largely increased
his Revenue and slightly his
Magisterial work which is no
likely again to decline. At pre
by the custom of the district
the Collector twice a month a
a cost of Rs 54 that is merely
travelling allowance without
taking into account his pay for
or four days visits Katagiri to pres
at the Bench of Honorary Magistra
and to try a few nuisance and Brea
of Contract cases. By adding Rs
a month to the pay of the Revenue
Inspector who is stationed at
Katagiri and by investing him with
3rd class Magisterial Powers an
additional Court would be got whe
could try all third Class
on that side of the hill the
the Deputy Tahsildar [illegible]

ed save the Collector's more valuable
ne while at the same time a saving
Rs 648 a year (12 x 54) would be
ected. for no establishment would
required for the trial of the few cases
hich the Bench disposes, nor do
think that many cases would have
disposed of, even if a permanent
agistrate were there.

7. The Collector of Nilgiris
enerally is, and always should be
physically active officer and a
ide to Katagiri and back is a pleasant
day's occupation. But there are
few days when he has not something
do which no one else in the
district is competent to do or should
do but himself. I am aware that
Benches are believed to be and perhaps
are popular institutions and I
rust that I do not underrate
important a factor in the
here. But the Revenue Inspector
of

of Katagiri is an officer who is
always in training for post of
Deputy Tahsildar and Sub Magistr
and is fit to exercise 3rd class powe
and a Competent Court coul
be created out of the travelling
allowance the Collector draw
for two holiday marches, and the
efficiency and economy are the
supreme factors of administr
I doubt too whether it can be
satisfactory that gentlemen shou
be, as they practically are, judges in the
own cases or at any rate in their
own interests, or whether a court
meeting once a fortnight is a satisf
tribunal on the somewhat exceptio
occasions when any real busines
is under disposal. An Honoray
Magistrate perhaps ignorant of
Tamil and Canarese and certainly
interested up to the eyes in the local
labour question receives a
complaint and passes orders

fore me. Issue Bail warrant"
ugh the Charge may very probably
on out to be based on a settlement
account or for other reasons ~
sustainable under the Act.
e prosecuting maistry appears a
tnight later and Honorary Magistrate
says "I stand down this is my
ase" and he moves below the Bench,
d moves up to try the next case
the same Character and in
e same interest in which the
aistry of Honorary Magistrate B
robably prosecutes for his master.
norary Magistrate C asks if he
n issue processes in his own
ases. A. B and C are gentlemen
ngaged in planting in and around
Katagiri, as is also the 4th Honorary
agistrate, D. If a tribunal
nstituted preserves the attribute
impartiality it is at no pains
e. ntain its appearance.

To

To turn to the other branch of
Bench's work, Honorary Magistrate
A or B one of the half a dozen
Europeans who possess Carriages in
Katagiri finds country carts with
drivers by the road side and he te
the head Constable to prosecute the
drivers. The head Constable issues a
summons and men who were
fulfilling the useful function of
bringing grain from below to these
hungry hills either disobey the ~
summons or are dragged up at
intervals of a fortnight to answer
charges based on traffic regulations,
suitable to great cities. When they
have disobeyed summonses I have
declined to issue warrants. ~
Probably the inception of these procee-
dings was more lega than their
termination but had rather
perpetrate an inf ality th
Condone an inj ice. It is
pains me that an unfortu

bondy man should be so harrassed
n. a district in which I am primarily
responsible for the administration
of justice. The Police Act is now being
sparingly worked in this little village the
population of which including 36 hamlets
amounts to 4284 inhabitants, and
business is chiefly confined to
imposing more small fines perhaps
than are absolutely necessary
e inebriated Kotahs. More might
written about the Bench but
think I have said enough to show
that it is more an interesting
survival of patriarchial rule,
than a necessary, useful or conventional
tribunal. It is a mere accident
that this opinion is expressed after
Government Order No 2069, dated
-th November 1892 enjoins Magistrates
re Carefully supervise all proceedings
ist the Breach of Contract act.
imp e that Government has expressed
xe. ion that the District Magistrate
at the
by

by presiding at Bench Magistrat
meeting has an opportunity of
associating with other gentlemen
residing in the district of which
he can with advantage avail him
and I trust no one is more sens
of the value of such associatio
than I am. No proof of this is
necessary, but so convincing an
one lies ready to hand that
I cannot but refer to it as I am
venturing to suggest that the Ben
is hardly the place for such assoc
-tion. Within the narrow limits
of his half European, half native
and wholly beautiful district the
Collector and Magistrate of the villa
is continually called upon to vindica
what a late Viceroy called the
"just impartiality of British
Rule. My attitude has been
-partial almost to the point
unsympathetic and conseque

incident in my 17 years' Service
has given me such satisfaction
that the largest and most authoritative
dy of my fellow Country men ever
formed on these hills, the Nilgiri
lanters' association at a time when
keenly alive to its own interests
hould have voluntarily come forward
repudiate an ~~anony~~ anonymous
attack made upon me by a planter
whom I could not with due regard
my duty, satisfy, to express ~
onfidence in my character as
an administrator and even to thank
me for the little help I had in
short months been able to give it
by promptly disposing of public
Business in which the planting
community is interested. I might
trust take to introduce matter
imp l to though superlatively
e. [illegible] ctory to myself were it not
at The
that

S. P. 12

that it is highly relevant to my
present purpose. I am fully
alive to the necessity for intercours
with the people European and Indi
but the District Magistrate is the app
Court for the Plateau for the disposal
of appeals from the Judgments of
Sub-magistrates in Breach of Contra
Cases, and he should, I think, not
be called on to sit with gentlemen
who are practically the prosecutors
to decide breaches of labour Contra
His function in regard to the working
of this very important enactment
should be confined to the hearing
of appeals and the most careful
Scrutiny of Sub-magistrates calendars.
It is understood that this Bench
(the others have died a natural death
was formed upon the analogy
of English Benches of Justices of
the peace, but I submit that
if it was, it was founded upon th [illegible]
of false analogies. The [illegible]
[illegible] to
a body of highly intelle [illegible] for threaded
imated

rinded and well educated & ntemen are as well qualified s any to be (as they practically e on this Bench) judges in their on interests. But no tie of common terest binds a Bench of English agistrates, as at present constituted ot even a common interest in nforcing the game laws. Moreover hey do judge their fellow Countrymen the blinding light of public opinion, ther absolutely impartial or where it manifests a bias, pitiful towards ffenders, pitiless towards the Bench. And why does this exceptional tribunal exist? No greater hardship would result from the trial of the few Katagiri cases at Coonoor than results from the trial there of cases arising in the not more distant and certainly equally rust rtant planting centre of impossible for instance which e. [illegible] asked for, and does not

at the

want

want a Bench. But I would rather see the Paranginad Revenue Inspector ~~[illegible]~~ given third class po to be exercised in the Paranginad Divi and he would need no clerk for the disposal of 105 cases per annum the average of 3 years. Magistrates on Rs 70 for many years tried a large percentage of third class cases in the Presidency and uniform need not be enforced in one corner of one hill district. The measure would give some relief to the Coonoor Sub Magistrate who needs help and would provide a regular Court instead of a fortnightly Bench, the objections to which I have not exhaustively enumerated. If my proposal is not approved as a tentative measure it will soon be necessary at far greater cost to provide a Taluq Sheristadar for Coonoor. It is noteworthy that the convictio by the Katagiri Bench for thre

to and exclusive of 1892 average 96.01
rcent the highest in the Presidency
ntles against 77.5 Bench average
s or Presidency 42.4 average of
riminal Courts for Presidency, and
7.6 average convictions for the
Nilgiri District. It might appear that
his high average of convictions is due
o the predominance of petty Police
cases, but the latter are just 50 per cent
f the total file, which leaves a
ery heavy percentage of convictions
for breach of contract. I do not
wish to make too much of this, but
t is relevant when the personnel of
the Court is considered, and may
produce an impression which is not
altogether desirable in the minds
f the classes who appear before
e Bench. Appeals as a fact are
never presented, probably owing
the fact that in late years the
strict Magistrate has always
sided.
at a

I

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8 I doubt if it can really
be desired that Collector and Distr
Magistrate should spend 24 wor
days in the year or 48 if he canno
as all cannot ride 36 miles in and
out in the day in disposing of
105, 3rd class cases. Of cours
appointment at Coonoor of a Talu
Sheristadar who might visit Kotagiri
once a week, and also assist the
Dy Tahsildar and Sub Magistrate
whose increasing file for three years
(1889, 1890, 1891) has averaged 410 ca
might be a preferable measure, bu
the cost would be considerably
greater.

9 I have had under considera
the advisability of recommending
the addition of European gentlem
not engaged in Planting or the ple
of adding Indian gentle
the European or intention red to
result in la presided o
nominati

, &

even available; and I have dwelt
ttle upon this Bench and its constitu
on because it is a type of the kind
work to which the Collector Magistrate
ere has too often to ride off to attend
from more important duties
lsewhere.

To turn to the Head Assistant's
Head Quarters Government has decided
to build offices for that officer at
Nedavattam and I have chosen
t, site, but in the firm belief that
the necessities of the district adminis-
tration will not allow the attribute
r finality to this decision, I feel it
ley duty to express my conviction
at the head assistant will not long
ccupy them, if they are built, and
at they will be a dead loss to
the State. As in their remote situation
n never be turned to any useful
trict In
sided. Already Government
tained for years
past for one reason or another
to allow the head assistant Collect
to make Ootacamund his tempor
head quarters and indeed unless th
is permitted he cannot take his
fair share of the district wor
and is positively idle at Gudalu
while the Collector's time is waste
away in detail at Ootacamund.
If his head quarters be not now
moved to Ootacamund I cannot
help thinking he will in no long
time be stationed at Coonoor,
though this would not be nearly a
desirable an arrangement as the on
now suggested. If only the immed
future be taken into consideratio
the damage cases outside acquisitio
on the ghaut ~~road~~ should certainly
be inspected by the Collector persona
in every case, for large sums of
money are at stake, and t
Collector's personal attention ed to presided o
matter will result in la nominati

ch as I have shown in another communication to Government opy of which has been forwarded the Board I have been effected regard to the initial acquisitions n the Railway.

I cannot furnish further tatistics and arguments but unless e Board and Government entertain what I suggest in a favourable spirit, they will be compiled and -dvanced in vain, and for the present I content myself with this incomplete ut not unconsidered representation.

I have the honor to be
Sir
Your most obedient Servant
(Sd) J. D. Rees
Collector & Dist Magte
Nilgiris

(True copy)

for ag. District Magistrate

K.S.
18-2-93

Proceedings of the Board of Reve

(Land Revenue)

Dated 13 February 1893.
No 1058 Miscellaneous

Read letter from the Collector of Nilg. dated 12th January 1893, No 8 B

Resolution

In his letter read above, the Collector of the Nilgiris recommends (1) that Ootacamund should be made the permanent head quarters of his head assistant Collector instead of Gudalur, and (2) tha The Bench Magistrates' court at Kotagiri should be abolished.

2. The Board considers that sufficient grounds have not been shown for re-opening the first question which was finally settled in G.O. dated 5th Decembe 1891, No 1162 communicated Board's Proceedings dated 16th id. No 8896 Mis. The Head Assi Collector being for the pre permitted to reside at O

G.O. 28 / 8-1-92

there is no objection to the Collector btaining assistance from him in is office work where this may be sirable and where such assistance an be given without hampering the Head Assistant Collector's Forest Settlement work, which is now a matter of much importance. The Collector should also make more se in this direction of his Treasury Deputy Collector, whose duties cannot e so heavy as to preclude of this eing done. By the time the Forest ettlement work is over and the Head Assistant Collector takes up his quarters at Gudalur the special Railway Compensation work now in progress will probably have been settled, and the Collector will have plenty of isure to attend to ordinary business.

With regard to the Bench of the gistrates at Kotagiri, the Collector District Magistrate should sided to Government in the Judicial

10-2-93

S.P. 17

Department if he really desires t abolish it. If Government is prep to accept the Collector's proposal, t Board can then consider whether the Revenue Inspector of the Porar-nad division should be turned into a Sub-Magistrate as recommen by the Collector

(True Extract)

(Sd)

W.S. Mayer

Ag Secretary

(True copy)

for Ag District Magistrate

Enclosure No 2 to letter
o 215 dated 28-2-93
om the Dist Magistrate
Nilgiris to the Chief Secretary
Govt Judicial Dept
Madras.

P.

No 215

Nilgiri District Magistrate's Offi
Ootacamund 28th February 189

CURRENT No.

From,
A. Wolfe Murray Esquire
Ag: District Magistrate
Nilgiris

To,
The Chief Secretary
to Government
Judicial Department
Madras

Sir

I have the honor to forward herewith a copy of my predecessor's letter No 8B dated 12th January 189 to the Board of Revenue, and of Boa Proceedings No 1058 miscellaneous, dated 13th Instant. There is no doubt that the Bench is a costly one. Mr. Rees wa of opinion that "the demise of the institution would not be an unmixed evil".

2 If Government approves of the proposed abolition, then proposals will be submitted through the Board of Revenue, for m the Revenue Inspector, Parangin Sub-Magistrate.

I have the honor to be
Sir
Your most obedient Servant

for Ag District Magistrate

2069 & 5-11-92

Confidential

CURRENT No. 918

From
The District Magistrate
Judicial
Nilgiris

CONFIDENTIAL No. 58

To
The Chief Secretary to Government
Judicial Department
Madras

Dated 28 } February 93
Recd 3rd March

CHIEF SECRETARY
3 MAR 93
GOVERNMENT OF MADRAS

No. 215

Encls: 2

Subject

Bench at Kotagiri

Submits for orders
Government a copy
letter from Mr Rees to
Board suggesting the
…ion of — and a
the Proceedings
Board passed

HM Hon Mr Galton CSI

For orders

As the Bench at Kotagiri is presided over by the D.M. it possesses the powers of a Mag. of the First Class &, under Rule 7 of the Rules approved in G.O. of 27 Aug. 91, No. 1713, Judl., it can try summarily all the offences specified in sec. 260 C.P.C.

Supposing H.E. decides ~~that~~ the Bench should be retained but ~~that~~ the D.M.'s attendance is unnecessary, the powers of the Bench will be reduced under Rule 1 of the above Rules to those of a Mag. of the 3rd Class & it will then have no power to try Breach of Contract cases. The question will then arise who is to preside. The Hd. Asst. may not be available & a native Mag. could hardly be made Chairman of a Bench of this description.

Two courses will then remain, viz,
(1) The D.M. may

Fort St. George
19 April 1893.

My dear Carr,

I forward herewith the original of the Revenue Deptt: orders on the subject of the head quarters of the Head Asstt: Collector, Nilgiris.

Yours sincerely
Medlicott Rice

R.C.C. Carr Esq. I.C.S.

His Exc. remembers nothing on the subject himself in Dec.

Sent from

CHIEF SECRETARY
29
GOVERNMENT

27. March 93.

My dear Mr Galton

His Exc. would like to see the original of the Rev: Dept. orders on the subject of the H.A.C.'s headquarters in the Nilgiri district. The whole question was fully discussed in connection with the location of the H.A.C.'s office building & of his house – There is a big file in R.D.

Yours sincerely
R. Clan

Rookery
Kil Kotagherry
March 24th/93

ray Esqre
Magistrate
tacamund

or England some time next month. I have
place my resignation in your hands as a
strate of the Kotagherry Bench and to request
pleased to accept it from 15th April next

Sir
Your most obdt Servt
J M S Mackenzie
Spl. Magt

No. 918

From Rl. of Mr. D.M. Nilgiris

Dated 28 [illegible] Feb. 1893.

FOR ORDERS.

I think that the D.M. should be told that he need not consider himself bound to preside over the Kotagiri bench, but may designate one of the members to do so. His attention should be called to the effect of this on the Bench's powers, which is I think what it should be. Breach of contract cases will have to go to the Sub Magte. at Coonoor. They would be greatly delayed, if parties to the Bench at Kotagiri on the chance of the D.M. presiding there.

The present Bench rules are not good but they represent a great deal of work & care & to alter them is very difficult. I am averse to touching them. They are working well enough now, judging from the absence of complaint.

Uls
9 Mar

W
23 April

This is as it should be. Mr. Rees shows very clearly that even under the presidency of the Dist Magte. it is hardly a colourable imitation of an impartial tribunal. A Planting bench should never try such cases.

Uls

Under the Notifn. approved in G.O. Dy 26 Ap. 1878, No. 876, Judl., the Bench at Kotagiri is presided over by the Dt. Mag.

Therefore, under sec. 15 C.C.P, the Bench has the powers of a 1st Class Mag. & it has also been invested by Rule 7 of the Rules approved in G.O. Dy 27 Aug. 1891, No. 1713, Judl., with powers to try summarily all the offences specified in section 260 C.C.P.

H.E. may consider that Mr. Rees has not made out a case for the abolition of the Bench but that he has made out a case for discontinuing the attendance of the D.M. at the sittings of the Bench.

Supposing the D.M. ceases to attend then the Bench will come under Rule 1 of the Rules approved in G.O. Dy 27 Aug. '91, No. 1713, Judl.; that is to say it will have only third class powers & will be unable to try Breach of Contract cases. The question will then arise "who shall preside over the Bench". Under Rule 1 above referred to a Bench is usually presided over by a salaried Mag. nominated by the D.M.

re are only two European Magistrates
the Nilgiris besides the D. M.;
e are the Hd. Asst. Mag. &
Clarke; the services of neither
ese officers will be available
ere are obvious objections to
tting in a Native Mag: to
eside over a Bench of this
scription.
le 1 of the Rules, however, also pro-
des that, with the approval of the
M., 3 or more Special Mags. may
t as a Bench provided that one
them is a pensioned Mag. of Experience
e specially designated by the
M. in this behalf.
is not likely that there is any
nsioned European Mag. of
perience in or about Kotagiri
– if not, then the only course
left is for the D. M. to "specially
designate" one of the members
of the Existing Bench.
If this be done the member so
specially designated; together
with any 2 or more other members,
may sit as a Bench & will have
power to

(i) try summarily offences under secs. 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341 & 352 I. P. C. (with the sanction of Govt.);

(ii) try, under Chap. XX C. Cr. P., offences against sec. 5 of the Towns Nuisances Act, 1889;

(iii) try summarily offences against Municipal Acts & the conservancy clauses of Police Acts, punishable only with fine or with imprisonment for a term not Exceeding one month.

It is subd. for the consideration of H. Ex.
whether it would not be advisable to
vise the rules in G. O. of 17/8/91 No. 1713 Judl.;
they might be made clearer.

[illegible] 5 Feb

Bench at Kotagiri

Seen & [illegible] further [illegible]

(For orders)

I do not think that Mr Rees has made out a case for the abolition of the Kotagiri Bench. The Dist. Magistrate of the Nilgiris may find it inconvenient to attend twice in every month – then he could do so [illegible] of the Magistrates might be specially designated as Chairman & the Bench could then dispose of 3rd class cases. There does not appear to be any objection to a Bench exercising [illegible] first class & at another third class powers according to the status of the presiding Magistrate. Bench [illegible] could then be posted for the days on which the Dist Magistrate can arrange to sit. I do not [illegible] necessary these petty cases should be tried at Kotagiri. They could easily be taken before the [illegible] Magistrate at Coonoor. A list of the present Kotagiri Bench Magistrates is given on page 22 G.O. 11 May 92 marked with white cap

I don't think that Coonoor could do without a Dy. Tahsildar & Submagistrate even if the H.A.C. were stationed there, as there is much work which the H.A.C. could not do, as well as a Dy. Tahr. & which it would be wasteful to put ~~[illegible]~~ so highly paid an officer to do.

Further the transfer of the Sub Magte. is unnecessary because if the Dy. S. E. Wynaad Magte's work is to be given to a Sub Magte. at all it may as well be given to the Sub Magte. already stationed at Gudalur.

The transfer of the H.A.C. to Coonoor is not worth making for the sake of the Kotagiri bench, which Mr Rees with I think some reason thinks might be let go by the board altogether. Without going so far, I would let it drag on as a 3rd cl. bench. If the H.A.C. were to sit on the bench, he could not take appeals from it.

The Collr. does not propose to transfer the H.A.C. to Coonoor for I think good reasons. ~~[illegible]~~ I don't in any case propose doing this.

[illegible]
15 Mar

Note

The circumstances which originally rendered it necessary that an European Divl. officer shd. reside in ~~that Dist.~~ of the Nilgiris formerly known as S. E. Wynaad have greatly changed – How greatly is shown in Mr Rees' letter. I therefore think that the time has come for considering whether the above arrangement is any longer necessary or even ~~[illegible]~~ is not now inexpedient. In my opinion, Coonoor has long been, next to Ooty itself, by far the most important place on the plateau, & now that the opening of the railway to Coonoor seems a probable eventuality very shortly, its importance is increasing daily. Moreover, the planting interests in the Coonoor Division are considerably ~~[illegible]~~ greater ~~[illegible]~~ than those in the Gudalur Division. The time therefore seems to have come for a change & I wd. recomm-end the transfer [illegible] from Gudalur & the Gudalur Division to Coonoor & send the Sub

Magt. from Coonoor to Neddivattam —

The advantage of having the Head Asst. at Coonoor is that ~~that~~ under Sec: 17 of the Crim: Proc: Code the Kotagiri Bench w.d. be subordinate to him instead of being subject to ~~the~~ Dist. Magte's general supervision & this w.d. relieve the Colr. of all necessity for ever presiding at the Bench Meetings. — Appeals from the Bench w.d. also lie to the Head Asst. instead of to the Colr. & Dt. Magte. — while the Head Asst. c.d. if necessary occasionally sit at Bench Meetings more easily than the Dt. Magte. — The Bench at Kotagiri might, as suggested by in the note, have its powers extended to 3d: Class by the Dt. Magte. appointing one of its planter members to be Chairman in his own, or the Head Asst's, absence. & ~~[illegible]~~ of contract cases w.d. then be heard by an European Magte. at Coonoor. The Dt. Tahsr. then transferred to Gudalur &

The papers have been delayed, in consequence of my waiting for the G.O. on the location of the H.A.C. on the Nilgiris.

On further consideration of the subject, I think it would be wiser for us to delay construction of a house for him at Neddivattam, until the future of the Wynaad becomes more clearly determined. For the present I would allow him to remain on at Ooty, doing his touring duty as regularly as at present — which he can easily do from Ooty. I understand that his revenue & magisterial work in that division is so light that his permanent residence there is not as imperatively necessary, as it is in ordinary districts. If it should grow in the future, steps can then be taken to meet the altered circs. — but if the Wynaad should get depopulated, and a European officer be not required there, we shall not have erected a bungalow there only to be deserted.

W

23 Apr.

Neddivattam w.d. require the investiture with the powers of a Dist. Munsiff & the Sm. C. Ct. — this the Govt. w.d. probably readily do if it could be shown ~~that the~~ that they were an officer of some experience. The plan I suggest is, I think, better than the Colr's ~~[illegible]~~ moving the suggestion of H.A.C. ~~at~~ to Ooty.

All cases of cruelty to animals & offences under Act III of 89 w.d. come before the ~~H.A.~~ Magt. if at Coonoor ~~[illegible]~~ assisted on the Bench by Municipal Commrs. who w.d. probably be more plentiful there & be able to assist the Municipality more than the present Sub Magte. can.

11/3/90

P.S. If my suggestion is approved there will be no need to build ~~such~~ any such office for him at Neddivattam as for the H.A.C.

re only two European Magistrates
N

1. The Hon^ble Sir G. E. Stokes K.C.S.I.
~~Secretary~~ 2. H. E. the Governor.

13 Mar.

13 March.

Jud^l. G.O. 911
2/5/93
Awaiting May

Ind^l. DEPARTMENT.

[5]

Papers to be read in Proceedings:—

Again G.O., dated 18 , No

Again G.O., dated 20 Ap. 1893, No. 442 R. A

Current No 918 of 1893, dated 28 Feb from Dist. Nilgiris. A
(Conf^l. No. 58)

Current No of 18 , dated from

Order 2 May 93 No. 911.

Mr. Rees has shown good reason for revising the orders of the 26th April 1878, No. 876, Jud^l., under which the Bench of Magistrates at Kōtagiri sits under the presidency of the Dt. Mag. of the Nilgiris. The plan is at once expensive & inconvenient & the Dt. Mag. will accordingly be informed that he need not consider himself bound to attend the meetings of the Kōtagiri Bench in future.

HLS 30/4/93

2. The result of the absence of the Dt. Mag. will be that the Bench will come within the scope of Rule 1 of the Rules approved in G.O. of 27 Aug. '91, No. 1713, Jud^l.; that is to say, it will have only third class powers & will consequently be unable to try cases of Breach of Contract, which will have to go to the Sub-Mag. at Coonoor. The question will then arise who shall preside over the Bench. It is unlikely that the services of any salaried (or pensioned) European Magistrate will be available & the only course left is for the Dt. Mag. to "specially designate" a Magistrate to preside

JHL
1/5/93

The Bench at Kotagiri

under the aforesaid Rule 1. If this be done the Magistrate so "specially designated", together with any two or more ~~members~~ Magistrates, may sit as a Bench & will have power,

(i) with the sanction of Govt., to try summarily offences against secs. 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341 & 352 of the I.P.C.;

(ii) to try summarily offences against Municipal Acts & ~~under~~ the Conservancy Clauses of Police Acts, punishable only with fine or with imprisonment for a term not exceeding one month;

(iii) to try, in accordance with Chap. XX of the Code of Crim. Proc., offences against sec. 5 of the Towns Nuisances Act, 1889.

It is observed that by the resignation of Mr. Mackenzie the strength of the Bench has been reduced to three members & it is advisable that one or two additional members should be appointed.

3 Under sec. 261 of the Code of Crim. Proc., 1882, the Govt. hereby invests ~~any~~ three or more of the members of the Kótagiri Bench of Mags., of whom one is a Mag. specially designated by the Dt. Mag., (with powers) to try summarily the offences ~~aforesaid~~ specified in clause (i) ~~above~~ of Rule 1 of the Rules published in Notif. No. 335 at p. 879 of the Ft. St. G. G. of Sept. 1891 ××

4 It will of course be understood that on the occasions when the Dt. Mag. attends the meetings of the Bench it will possess, under the second part of sec. 15 of the C.C.P., the powers of a Mag. of the First Class.

5 The question of the location of the Head Asst. Collr. will be disposed of in the Rev. Dept.

(From orders)

To the Dt. Nilgiris
" " Rev. Dept. (with Hon. Mackenzie's [illegible] and original)
Gazette (para 3 only)

9/5

28 Ap.

[illegible]

P.S.

(From orders)

[illegible] G.O. dt 20 Ap 93 R No 442 [illegible]

×× [These are the offences specified in clause (i) of the preceding para.]

2nd May 1893, No. 911, Judicial.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following paper:—

G.O., dated 20th April 1893, R. No. 442, Judicial.

Read—the following paper:—

From O. WOLFE-MURRAY, Esq., Acting District Magistrate of Nílgiris, to the Chief Secretary to Government, dated Ootacamund, 5th April 1893, No. 345-Magl.

I have the honour to submit, herewith, a letter, dated 29th ultimo, from Mr. J. W. S. Mackenzie, one of the Honorary Magistrates of the Kóttagiri Bench, tendering his resignation as such magistrate as he is about to leave for England, and to recommend that his resignation be accepted.

2. It is also suggested that the vacancy need not be filled up at present, pending the decision of Government on this office letter, No. 215, dated 28th February 1893. Mr. Rees was also of opinion that, in case any vacancy occurs in the Kóttagiri Bench, it need not be filled up.

Order—dated 20th April 1893, R. No. 442, Judicial.

The following notification will be published in the *Fort St. George Gazette*:—

"Under the provisions of section 41 of the Code of Criminal Procedure, 1882, the Right Honorable the Governor in Council withdraws the powers of a special magistrate conferred on Mr. J. W. S. Mackenzie, a member of the Kóttagiri Bench of Magistrates, who has resigned his appointment."

2. Para. 2 of the District Magistrate's letter read above will be considered along with his letter of the 28th February 1893, No. 215.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the District Magistrate, Nílgiris.
Gazette (notification).

Read—also the following paper:—

From O. WOLFE-MURRAY, Esq., Acting District Magistrate of Nílgiris, to the Chief Secretary to Government, dated Ootacamund, 28th February 1893, No. 215.

I have the honour to forward, herewith, a copy of my predecessor's letter, No. 8 B, dated 12th January 1893, to the Board of Revenue, and of Board's

Proceedings, Mis. No. 1058, dated 13th instant. There is no doubt that the Bench is a costly one Mr. Rees was of opinion that "the demise of the institution would not be an unmixed evil."

2. If Government approves of the proposed abolition, then proposals will be submitted, through the Board of Revenue, for making the Revenue Inspector, Paranginad, a Sub-Magistrate.

Enclosures.

From J. D. REES, Esq., c.i.e., Collector and District Magistrate of Nílgiris, to the Secretary to the Commissioners of Land Revenue, dated Ootacamund, 12th January 1893, No 8 B.

I beg leave to offer a few observations with reference to the work to be done in this district and the distribution of the staff available for doing it.

2. The construction of the railway adds another and a very weighty factor to those which already determine the incidence of most of the work to the east and south of Ootacamund. The present location of the Head Assistant Collector at Gúdalúr was ordered when the gold prospects of the South-East Wynaad promised well. The last gold mine is to be closed next month and there are but sixty-six European planters in the division, the area of whose coffee estates amounts to 72,764 acres, of which 12,509 acres are under cultivation.

3. On either side of Coonoor on the contrary the country is covered with estates, and the population, including the richest and most enterprising communities in the district, amounts to 42,798 as against 25,404 in Gúdalúr division. The European planters number 197, and the acreage of their estates is 21,246, of which 12,172 acres are cultivated, and these estates are far superior and employ far more labour than those of Gúdalúr. The revenue of Coonoor compares with that of Gúdalúr as Rs. 54,580 do with Rs. 59,361.

4. It might be inferred from these facts that Coonoor should be the head-quarters of the Head Assistant Collector. No doubt he is infinitely more needed there than at Gúdalúr, but I would not, supposing the question to be open, recommend his location at either station. The work connected with the construction of the railway has fallen and should continue to fall upon the Collector. It is difficult and intricate and needs the attention of the most experienced officer in the district. What is needed is that the Collector should be able freely to visit Coonoor and indeed other parts of the district and that he should be able to stay a few days when wanted without being under the necessity to return immediately to preside at Local Fund, Game Association, Breek's School, to assist at Lawrence Asylum and Municipal meetings at Ootacamund and Bench meetings at Kóttagiri, to try magisterial cases and appeals and to dispose of the routine work of his division. That division is no doubt a light one, but when the Collector leaves head-quarters now everything connected with the district and division alike has ordinarily to wait till he returns and the present system has not conduced to a speedy despatch of business.

5. Assuming that the district will be, as it usually is, without an Assistant Collector, whose presence I admit is perhaps not an actual necessity, I think, as my predecessor did, that the Head Assistant Collector and Magistrate should be located at Ootacamund, but I do not think he should give up charge of South-East Wynaad but should retain charge of that division with Ootacamund, the Collector keeping Coonoor. In that case the former officer would have 720 square miles against a Head Assistant Collector's average of 1,829 square miles. As district munsif he has necessarily to spend 6 or 7 days a month at Gúdalúr and during these visits and by prolonging them, when necessary, he could do all that is needed at that station which is but 30 miles from Ootacamund, and the South-East Wynaad would in that case receive as much attention as most taluks in the Presidency receive from a covenanted revenue officer. The Collector too could visit that like other parts of the district more frequently if he had some one at head-quarters to carry on business during his absence and to prevent papers falling into arrears In his letter, No. 405, dated 7th September 1890, my predecessor had urged the necessity for some relief for the Collector at head-quarters and the Board in its Proceedings No. 671, dated 4th November 1890, remarked that the work of the Collector of the Nílgiris is not excessive. That no doubt is the case, though *plus* the railway land acquisitions it has in 1892 been considerable; but inasmuch as the Collector should administer the district and not merely dispose more or less promptly of office papers I would urge that he can best fulfil his functions by being able to direct his tolerably uninterrupted attention at any given time to that business and that locality which calls for it, and not by necessarily attending meetings *quâ* meetings irrespective of the importance of the business on any given day to be transacted whereby more time than any busy man can well afford to lose is wasted upon the roads.

6. The Deputy Tahsildar of Coonoor will also soon require help. The railway has largely increased his revenue and slightly his magisterial work which is not likely again to decline. At present by the custom of the district, the Collector twice a month at a cost of Rs. 54, that is merely travelling allowance without taking into account his pay for two or four days, visits Kóttagiri to preside at the Bench of Honorary Magistrates and to try a few nuisance and breach of contract cases. By adding Rs. 20 a month to the pay of the Revenue Inspector who is stationed at Kóttagiri and by investing him with third-class magisterial powers an additional Court would be got which could try all third-class cases on that side of the hills, relieve the Deputy Tahsildar of Coonoor and save the Collector's more valuable time, while at the same time a saving of Rs. 648 a year (12 × 54) would be effected, for no establishment would be required for the trial of the few cases of which the Bench disposes, nor do I think that many cases would have to be disposed of even if a permanent magistrate were there.

7. The Collector of Nílgiris generally is and always should be a physically active officer and a ride to Kóttagiri and back is a pleasant day's occupation; but there are few days when he has not something to do which no one else in the district is competent to do or should do but himself. I am aware that Benches are believed to be and perhaps are popular institutions and I trust that I do not underrate so important a factor in the case; but the Revenue Inspector of Kóttagiri is an officer who is always in training for post of Deputy Tahsildar and Sub-Magistrate and is fit to exercise third-class powers and a competent Court could be created out of the travelling allowance the Collector draws for two holiday marches and the efficiency and economy are the supreme factors of administration. I doubt too whether it can be satisfactory that gentlemen should be, as they practically are, judges in their own cases or at any rate in their own interests, or whether a Court meeting once a fortnight is a satisfactory tribunal on the somewhat exceptional occasions when any real business is under disposal. An Honorary Magistrate perhaps ignorant of Tamil and Canarese and certainly interested up to the eyes in the local labour question receives a complaint and passes order—"Before me. Issue bail warrant"—though the charge may very probably turn out to be based on a settlement of account or for other reasons unsustainable under the Act. The prosecuting maistry appears a fortnight later and Honorary Magistrate A says—"I stand down. This is my case"—and he moves below the Bench and moves up to try the next case of the same character and in the same interest in which the maistry of Honorary Magistrate B probably prosecutes for his master. Honorary Magistrate C asks if he can issue processes in his own cases. A, B and C are gentlemen engaged in planting in and around Kóttagiri, as is also the fourth Honorary Magistrate D. If a tribunal so constituted preserves the attribute of impartiality it is at no pains to maintain its appearance. To turn to the other branch of the Bench's work. Honorary Magistrate A or B, one of the half-a-dozen Europeans who possess carriages in Kóttagiri, finds country carts without drivers by the road side and he tells the head constable to prosecute the drivers. The head constable issues a summons and men who were fulfilling the useful function of bringing grain from below to these hungry hills either disobey the summons or are dragged up at intervals of a fortnight to answer charges based on traffic regulations suitable to great cities. When they have disobeyed summonses I have declined to issue warrants. Probably the inception of these proceedings was more legal than their termination, but I had rather perpetrate an informality than condone an injustice. It positively pains me that an unfortunate bandyman should be so harassed in a district in which I am primarily responsible for the administration of justice. The Police Act is now being sparingly worked in this little village, the population of which, including 36 hamlets, amounts to 4,284 inhabitants, and business is chiefly confined to imposing more small fines perhaps than are absolutely necessary on inebriated Kotahs. More might be written about the Bench, but I think I have said enough to show that it is more an interesting survival of patriarchal rule than a necessary, useful or conventional tribunal. It is a mere accident that this opinion is expressed after G.O., No. 2069, dated 5th November 1892, enjoins magistrates to carefully supervise all proceedings under the Breach of Contract Act. I believe that Government has expressed the opinion that the District Magistrate by presiding at Bench Magistrates' meeting has an opportunity of associating with other gentlemen residing in the district of which he can with advantage avail himself and I trust no one is more sensible of the value of such association than I am. No proof of this is necessary, but so convincing an one lies ready to hand that I cannot but refer to it as I am venturing to suggest that the Bench is hardly the place for such association. Within the narrow limits of his half-European, half-Native and wholly beautiful district the Collector and Magistrate of the Nílgiris is continually called upon to vindicate what a late Viceroy called the august impartiality of British rule. My attitude has been impartial almost to the point of being unsympathetic and consequently no incident in my 17 years' service has given me such satisfaction as that the largest and most authoritative body of my fellow countrymen ever yet formed on these hills, the Nílgiri Planters' Association, at a time when keenly alive to its own interests should have voluntarily come forward to repudiate an anonymous attack made upon me by a planter whom I could not with due regard to my duty, satisfy, to express confidence in my character as an administrator and even to thank me for the little help I had in ten short months been able to give it by promptly disposing of public business in which the planting community is interested. I might hesitate to introduce matter personal to, though superlatively satisfactory to, myself were it not that it is highly relevant to my present purpose. I am fully alive

to the necessity for intercourse with the people, European and Indian, but the District Magistrate is the appellate court for the plateau for the disposal of appeals from the judgments of Sub-Magistrates in breach of contract cases, and he should, I think, not be called on to sit with gentlemen who are practically the prosecutors to decide breaches of labour contract. His function in regard to the working of this very important enactment should be confined to the hearing of appeals and the most careful scrutiny of Sub-Magistrates' calendars. It is understood that this Bench (the others have died a natural death) was formed upon the analogy of English Benches of Justices of the Peace, but I submit that, if it was, it was founded upon the falsest of false analogies. The Nílgiri planters, a body of highly intelligent, fair-minded and well-educated gentlemen, are as well qualified as any to be (as they practically are on this Bench) judges in their own interests; but no tie of common interest binds a Bench of English Magistrates, as at present constituted, not even a common interest in enforcing the game laws. Moreover they do judge their fellow countrymen in the blinding light of public opinion either absolutely impartial or where it manifests a bias pitiful towards offenders, pitiless towards the Bench. And why does this exceptional tribunal exist? No greater hardship would result from the trial of the few Kóttagiri cases at Coonoor than results from the trial there of cases arising in the not more distant and certainly equally important planting centre of Kullakombe, for instance, which has never asked for and does not want a Bench; but I would rather see the Paranginad Revenue Inspector given third-class powers to be exercised in the Paranginad division and he would need no clerk for the disposal of 105 cases per annum, the average of three years. Magistrates on Rs 70 for many years tried a large percentage of third-class cases in the Presidency and uniformity need not be enforced in one corner of one hill district. The measure would give some relief to the Coonoor Sub-Magistrate who needs help and would provide a regular Court instead of a fortnightly Bench, the objections to which I have not exhaustively enumerated. If my proposal is not approved as a tentative measure it will soon be necessary at far greater cost to provide a Taluk Sheristadar for Coonoor. It is noteworthy that the convictions by the Kóttagiri Bench for three years up to and exclusive of 1892 average 96·01 per cent., the highest in the Presidency, as against 77·5 Bench average for Presidency, 42·4 average of Criminal Courts for Presidency, and 57·6 average convictions for the Nílgiri district. It might appear that this high average of convictions is due to the predominance of petty police cases, but the latter are just 50 per cent. of the total file, which leaves a very heavy percentage of convictions for breach of contract. I do not wish to make too much of this, but it is relevant when the *personnel* of the Court is considered and may produce an impression, which is not altogether desirable in the minds of the classes who appear before the Bench. Appeals as a fact are never presented probably owing to the fact that in late years the District Magistrate has always presided.

8. I doubt if it can really be desired that Collector and District Magistrate should spend 24 working days in the year or 48 if he cannot as all cannot ride 36 miles in and out in the day in disposing of 105 third-class cases. Of course the appointment at Coonoor of a Taluk Sheristadar who might visit Kóttagiri once a week and also assist the Deputy Tahsildar and Sub-Magistrate, whose increasing file for three years (1889, 1890, 1891) has averaged 410 cases, might be a preferable measure, but the cost would be considerably greater.

9. I have had under consideration the advisability of recommending the addition of European gentlemen not engaged in planting or the possibility of adding Indian gentlemen to the European Bench, but none such are even available, and I have dwelt a little upon this Bench and its constitution because it is a type of the kind of work to which the Collector-Magistrate here has too often to ride off to attend to from more important duties elsewhere.

10. To turn to the Head Assistant's head-quarters, Government has decided to build offices for that officer at Neduvattam and I have chosen the site, but, in the firm belief that the necessities of the district administration will not allow the attribute of finality to this decision, I feel it my duty to express my conviction that the Head Assistant will not long occupy them, if they are built, and that they will be a dead loss to the State, as in their remote situation they can never be turned to any useful purpose. Already Government has been constrained for years past for one reason or another to allow the Head Assistant Collector to make Ootacamund his temporary head-quarters and indeed unless this is permitted he cannot take his fair share of the district work and is positively idle at Gúdalúr, while the Collector's time is wasted away in detail at Ootacamund. If his head-quarters be not now moved to Ootacamund I cannot help thinking he will in no long time be stationed at Coonoor, though this would not be nearly so desirable an arrangement as the one now suggested. If only the immediate future be taken into consideration, the damage cases outside acquisitions on the ghât should certainly be inspected by the Collector personally in every case, for large sums of money are at stake, and the Collector's personal attention to this matter will result in large savings, such as I have shown in another communication to Government, copy of which has been forwarded to the Board, to have been effected in regard to the initial acquisitions for the railway.

11. I cannot furnish further statistics and arguments, but, unless the Board and Government entertain what I suggest in a favorable spirit, they will be compiled and advanced in vain, and for the present I content myself with this incomplete but not unconsidered representation.

PROCEEDINGS of the Board of Revenue (Land Revenue), dated 13th February 1893, Mis. No. 1058.

Read—letter from the Collector of Nílgiris, dated 12th January 1893, No. 8 B.

Resolution—dated 13th February 1893, Mis. No. 1058.

In his letter read above, the Collector of the Nílgiris recommends (1) that Ootacamund should be made the permanent head-quarters of his Head Assistant Collector instead of Gúdalúr, and (2) that the Bench Magistrates' court at Kóttagiri should be abolished.

2. The Board considers that sufficient grounds have not been shown for re-opening the first question which was finally settled in G.O., dated 5th December 1891, No. 1162, communicated in Board's Proceedings, dated 16th idem, Mis. No. 8896. The Head Assistant Collector being for the present permitted to reside at Ootacamund, there is no objection to the Collector obtaining assistance from him in his office work where this may be desirable and where such assistance can be given without hampering the Head Assistant Collector's forest settlement work, which is now a matter of much importance. The Collector should also make more use in this direction of his Treasury Deputy Collector, whose duties cannot be so heavy as to preclude of this being done. By the time the forest settlement work is over and the Head Assistant Collector takes up his quarters at Gúdalúr, the special railway compensation work now in progress will probably have been settled, and the Collector will have plenty of leisure to attend to ordinary business.

3. With regard to the Bench of Magistrates at Kóttagiri, the Collector and the District Magistrate should address Government in the Judicial Department if he really desires to abolish it. If Government is prepared to accept the Collector's proposal, the Board can then consider whether the Revenue Inspector of the Paranginad division should be turned into a Sub-Magistrate as recommended by the Collector.

(A true Extract.)

(Signed) W. S. MEYER,
Acting Secretary.

ORDER—dated 2nd May 1893, No. 911, Judicial.

Mr. Rees has shown good reason for revising the order of the 26th April 1878, No. 876, Judicial, under which the Bench of Magistrates at Kóttagiri sits under the presidency of the District Magistrate of the Nílgiris. The plan is at once expensive and inconvenient and the District Magistrate will accordingly be informed that he need not consider himself bound to attend the meetings of the Kóttagiri Bench in future.

2. The result of the absence of the District Magistrate will be that the Bench will come within the scope of rule 1 of the rules approved in G.O., dated 27th August 1891, No. 1713, Judicial; that is to say, it will have only third-class powers and will consequently be unable to try cases of breach of contract, which will have to go to the Sub-Magistrate at Coonoor. The question will then arise who shall preside over the Bench. It is unlikely that the services of any salaried or pensioned European Magistrate will be available and the only course left is for the District Magistrate to "specially designate" a Magistrate to preside under the aforesaid rule 1. If this be done the Magistrate so "specially designated," together with any two or more Magistrates, may sit as a Bench and will have power—

(i) with the sanction of Government, to try summarily offences against sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341 and 352 of the Indian Penal Code;

(ii) to try summarily offences against Municipal Acts and the conservancy clauses of Police Acts, punishable only with fine or with imprisonment for a term not exceeding one month;

(iii) to try, in accordance with chapter XX of the Code of Criminal Procedure, offences against section 5 of the Towns Nuisances Act, 1889.

It is observed that by the resignation of Mr. J. W. S Mackenzie the strength of the Bench has been reduced to three members and it is advisable that one or two additional members should be appointed.

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3. Under section 261 of the Code of Criminal Procedure, 1882, the Government hereby invests any three or more of the members of the Kóttagiri Bench of Magistrates, of whom one is a Magistrate specially designated by the District Magistrate, with power to try summarily the offences specified in clause (1) of rule 1 of the rules published in Notification No. 335 at page 879 of the *Fort St. George Gazette*, dated 1st September 1891.

4. It will of course be understood that on the occasions when the District Magistrate attends the meetings of the Bench it will possess, under the second part of section 15 of the Code of Criminal Procedure, the powers of a Magistrate of the first class.

5. The question of the location of the Head Assistant Collector will be disposed of in the Revenue Department.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the District Magistrate, Nilgiris.
„ Revenue Department (with Honorable Members' notes in original).
Gazette (para. 3 only).

Exd. A. D. Xavier.

Govt. of {1893} Madras.

JUDICIAL.

CONFIDENTIAL.

Issued

Recd. *Encl.*

G.O., 2nd May 1893, No. 911.

MAY.

Kottagiri Bench.

Informing the District Magistrate, Nílgiris, that he need not consider himself bound to attend the meetings of the — in future, directing publication of a notification investing any three or more of the members of the — with powers to try summarily certain offences and stating that the question of the location of the Head Assistant Collector will be disposed of in the Revenue Department.

Read again Order of Government, dated 189 , No.

Back Paper, No. of 189

Further Paper, No. 643 R / 7-6-93 of 189

2249 / 2-11-93

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Judicial DEPARTMENT.
G.O., DATED 2-5-93.
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Returned for signature. 15-5-93.

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[Despatch Abstract.]

otagiri Bench: Informing the Dt.
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sider himself bound to attend the
tings of the — in future, directing
blication of a Notifn. investing any
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