M.R.O. 1—77,000—8-6-37.

(1) Number of pages 2

(2) Date of Repair

(3) Initials of the Record Officer

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 689 Press / Mis.

Dated 22-5-1911.

Not to be folded or roughly handled

Read the following papers:—

No. 80. From J. W. BREEKS, Esq., Commissioner of the Neilgherry Hills, to the Chief Secretary to Government, Fort Saint George, dated Ootacamund, 28th January 1870, No. 6.

Some gentlemen interested in Coffee Plantations in South-East Wynaad have given me the enclosed petition, and requested me to submit the same to Government as soon as practicable.

2. The petition, I believe, is signed by all the Planters of South-East Wynaad (with but three exceptions), viz.,

Mr. A. F. Steadman,
„ Adolphe Wright,
„ S. Prager,

and prays the Government to attach that part of the Malabar District commonly known as South-East Wynaad to the District of the Neilgherries.

3. When the late Chief Secretary was here, with His Excellency the Governor, to open our October Exhibition, he informed me that, if such a petition was presented, it would be my duty to forward the same with my observations:—

I.—As to the desirability of the measure in a public point of view.

II.—As to the extra work it would entail upon the Officers of this District, and the extra establishment it would necessitate.

4. As regards No. I enclose a map showing the situation of South-East Wynaad (as described in the petition) with respect to the Neilgherries. I believe that all the Planters of South-East Wynaad, as stated in the petition, bank at and draw their supplies from Ootacamund, and that the inclusion of that part of Malabar within the Neilgherry District will be a convenience to them. They will thereby have their causes tried at Ootacamund, which they look upon as their head-quarters, without the delay involved in a journey to Manantoddy or Calicut, which are both out of their way, and sometimes difficult of access in the monsoon. On the other hand, the natives of South-East Wynaad, whether as plaintiffs or defendants, would rather go to Manantoddy or Calicut than Ootacamund. Practically, however, this is of little consequence, as South-East Wynaad is mainly occupied by European Planters, whose presence and capital have converted the jungle into a Coffee colony and introduced here and there settlements of plantation coolies.

5. The high road from Ootacamund to Goodaloor is now open to wheel traffic throughout, as also from Goodaloor to Tippacadoo in the Neilgherry District.

6. As regards No. II.—As far as Revenue administration is concerned, the addition of a taluq or two, each with its own local establishment, is a matter of little importance to the Revenue Officers of the District. Another line or two has to be added to the printed forms in the Hoozoor Returns and Statements. The Collector may have a few extra petitions, and the Magistrate a few extra appeals per annum, but the general work of the district is little affected. It is otherwise, however, in the Judicial Department. A certain area added to the jurisdiction of a Court represents so much extra work to the Judge which cannot be handed over to a subordinate. What amount of judicial work will be entailed on the

Commissioner and his Assistant by the addition of South-East Wynaad to their jurisdiction I have no means of ascertaining.

7. I notice this, not to throw obstacles in the way of a measure which the petitioners think would be a boon to them, but to suggest a mode by which their prayer might be granted, while the administration, both Revenue and Judicial, of a large tract of mountainous country might, at the same time, be placed on a footing more in harmony with the requirements of the most influential portion of the inhabitants.

8. A large portion of the residents of the Neilgherries and of South-East Wynaad are Europeans, whose habits, intelligence, and information are in advance of what are usually met with in other districts, and demand a more prompt and efficient administration of justice than is compatible, in my opinion, with the concentration of the Revenue and Judicial branches of the administration in one and the same Officer. Such a consolidation of offices is economical, and well-adapted to frontier districts and districts wherein the half-civilized inhabitants cannot understand a division of authority. But such a system is less suited to a district like this, and the only argument in its favour is that the Neilgherries are small in area, sparsely populated, and peculiar in their isolated geographical position.

9. The Neilgherry Commission has hitherto answered fairly well, because the judicial work has of late been unusually light even for the Neilgherries, and no part of the district is more than a day or so's journey from the Court. At present, I hold two Court days a week, and the Assistant Commissioner three or four, and this arrangement often causes longer delay than I like in responding to the calls of planters and others to settle revenue questions requiring a personal inspection. If, while the judicial work is increased, the boundaries of the district are so far extended that to visit parts of it will necessitate the absence of a week or more from head-quarters, it will scarcely be possible to do justice to either branch of the administration.

10. If an alteration of boundaries be contemplated so as to include South-East Wynaad within the Neilgherry District, I feel satisfied it will add greatly to the efficiency of the administration if the consequent addition to the District Establishment could be made to take the form of at least a partial separation of the Judicial and Revenue Departments. The best of all would be to form the Neilgherry District into a separate Collectorate, with separate Revenue and Judicial Offices; but, for financial reasons, I consider this to be impossible at present.

11. There remains, then, the question of a partial separation, and this, it seems to me, might be effected, without increase of expense, by the severance from Coimbatore of the Collegal Taluq of that part of the Bowany and the Suttiamangalum Taluqs which is above the ghauts, and of that part* of the Mettapolliem Taluq which lies north-west of the Bowany river, and by the inclusion of these tracts along with South-East Wynaad within the Neilgherry District.

12. The boundaries of the district would then be well-defined, and would run as coloured on the accompanying map.

* I include this, because the boundaries of the Neilgherry District are not now well defined on the eastern slopes of the Hills. I have had complaints from Mr. Mullaly and others that they have to pay to the Ootacamund Treasury the assessment due on their waste land purchases on the slopes, and to the Coimbatore Treasury the assessment due on purchased puttah lands adjoining or surrounded by their waste land blocks.

Proceedings of the Madras Government, Judicial Department,
23rd May 1871.

13. If this were done, possibly the Sub-Collector of Coimbatore might be dispensed with, and in his place a Sub-Judge be permanently located at Ootacamund with Small Cause powers, with the powers of a Civil Judge to the extent formerly exercised by Sub-Judges, and with the powers of an Assistant Session Judge, as defined for the Bombay Presidency in Section 22 of the Criminal Procedure Code. This would leave the Commissioner with little judicial work, and would relieve the Assistant Commissioner altogether of civil work. Two Clerks of the Sub-Collector's Establishment might be handed over to the Assistant Commissioner, to form, with his present Magistrate's Clerk, an independent Office Establishment.

14. In South-East Wynaad there is now a Sub-Magistrate stationed at Goodaloor at the extreme corner of the district. In place of a Sub-Magistrate if a Deputy Collector was posted at Deyvallah this would accomplish all the Planters of South-East Wynaad could desire.

Petition from certain Landholders in South-East Wynaad, to the Chief Secretary to Government, Fort Saint George, dated South-East Wynaad, 1st November 1869.

In consequence of the great success that has attended the appointment of a resident Commissioner on the Neilgherries, we, landholders of South-East Wynaad, wish to share in the benefits thus secured to that district.

Our desire is that our properties may be included in the Neilgherry Commission.

The District of South-East Wynaad, which we now represent, is bounded on the west by the road from Sultan's Battery to the Mysore frontier at Goondelpet, and from Sultan's Battery by the Yellacull Hill, and the Sholady river which rises at its foot to the head of the ghauts, and includes all that portion of Wynaad to the east of this line.

It comprises the rich coffee plantations in Ouchterlony Valley, Goodaloor, Mayar, Neilgherry Peak Valley, Nardkaney, Divala, Pandaloor, Charambady, Sholady, Nelliallom, and Betta Mund, also the rice fields of Sultan's Battery, Chuliote, Nelliallom, Goodaloor, and Betta Mund, as well as the Government Teak Forests at Mooda Mulla.

There were, in the year 1867-68, seventy-six coffee estates containing six thousand nine hundred and seventy-three acres under cultivation paying tax to Government, and supporting a population of about five thousand labourers, principally imported from Mysore. There are about fifty European Planters resident in the district, and many natives from Ootacamund have opened estates in the neighbourhood of Goodaloor. All the money employed in the district is obtained from Ootacamund; all the supplies used by the resident Europeans are also obtained from thence; and it is to the Neilgherries that they resort for the re-establishment of their health. Many of the proprietors, now residing on the Hills, and conducting the work on their estates by periodical visits, thus causing a constant intercourse between the Neilgherries and this portion of Wynaad.

The only Magistrate in South-East Wynaad is a second-class Sub-Magistrate, stationed at Goodaloor, whose powers are most limited; and, for any criminal or civil suit of any importance, it is necessary to appeal to the Courts at Manantoddy or Calicut, probably both, and the journeys necessary for this purpose are so difficult and take up so much time as virtually to cause a denial of justice. The suits filed from this district can, therefore, in no way be taken as a criterion of the number of cases that might come before a Court easily approached.

We trust, therefore, that the Government may find no difficulty in re-arranging this district, so as to attach us to our natural head-quarters, by placing us under the jurisdiction of the Neilgherry Commissioner, under whose auspices we now forward this letter.

(Signed) VERTUE MINCHIN,
and 32 others.

No. 81. From P. O'SULLIVAN, Esq., Barrister-at-Law, to the Chief Secretary to Government, Fort Saint George, dated High Court, Madras, 20th June 1870.

I have the honour to send you, herewith, a petition signed by certain inhabitants of the District of Wynaad, which I have been deputed to present to the Government, with reference to the existing Judicial arrangements in that District, and to request that you will have the goodness to lay it before His Excellency the Governor in Council.

To

THE RIGHT HONOURABLE LORD FRANCIS NAPIER, K.T.,
Governor in Council, Fort Saint George.

The humble petition of the undersigned 696 inhabitants of the Wynaad Taluq, in the Province of Malabar.

MOST RESPECTFULLY SHOWETH.

That, as petitioners are greatly aggrieved by the ruinous effects produced in Wynaad by the establishment of the Small Cause Court at Tellichery which sits on circuit in the Taluq for two months in the year, they humbly crave permission to lay the following circumstances before your Lordship in Council in the hope of obtaining speedy redress :—

1. That Moplahs, and other inhabitants of the low country, are in the habit of forging documents on stamp paper against the illiterate inhabitants of Wynaad, mostly Coorchers, Cooroombers, Cletties, Ooradavens, Canders, Tachanaden Mopens, Ooraly Coorchers, &c., who inhabit the wildest parts of Wynaad, and who are deplorably ignorant of law and matters connected with litigation.

2. That, after such documents have been forged, the Moplahs, &c., institute false and vexatious suits against said ignorant people on the sitting of the Small Cause Court of Tellicherry when on circuit in Wynaad, and, in most cases, obtain *ex parte* decrees, which are generally enforced by the attachment and sale of their cattle, implements of cultivation, seed, and other moveable property.

3. That the Small Cause Court of Tellicherry has now been so sitting in Wynaad for the last six or seven years, and the records of that Court will prove that many decrees, for comparatively large sums, have been obtained by Moplahs and other inhabitants of the low country (adepts in litigation) against the ignorant inhabitants of Wynaad.

4. Petitioners here crave permission to state that many families in Wynaad, once in tolerable circumstances, have been reduced to penury and distress through decrees falsely obtained against them in the said Small Cause Court by Moplahs and other inhabitants of the low country.

5. That there are actually gangs of the lowlanders in Wynaad who carry on a trade in false documents and false litigation; that they purchase stamps one or two years previously, hire persons to write out and antedate false bonds, forge the signatures of the supposed executors and attesting witnesses; that, when the Small Cause Court of Tellicherry sits in Wynaad, they institute suits on such false bonds, suborn witnesses, and procure decrees against such ignorant people for large sums of money never borrowed or received by them.

6. That, when the Court's notice is issued to the supposed defendants, the plaintiff bribes the peon who takes the notice and makes him write on the duplicate that it has been regularly served, whereas the defendant actually knows nothing of the notice, the suit or the decree, until his property is attached and sold for the judgment debt.

7. That the inhabitants of Wynaad generally live at considerable distances from the place at which the Small Cause Court sits; that the hearing of cases generally comes on eight or ten days after date of notice; that, on day of hearing, the name of the defendant is called out once or twice in Court, and, when it is not answered to, the Court, as usual, proceeds to examine the witnesses for the plaintiff and ultimately passes an *ex parte* decree.

8. That, on the return of the Court to Tellicherry, a miscellaneous petition is presented and the defendant's property attached and sold, generally, for a fourth or fifth of its real value; that, in

some cases, property belonging to the defendant's neighbours (not parties to the suit) is also attached and sold, the Ameen excusing himself by stating that the property was pointed out to him as belonging to the defendant; that, in some instances, the Ameen pockets a large portion of the proceeds of sale, and produces false accounts to the Court for a very small sum; that, in said various ways, although property which would pay off double the judgment debt is attached and sold, the debt is never satisfied, and the defendant is further harassed and sometimes imprisoned for the remainder.

9. That such grievances were never known in Wynaad before the establishment of the Small Cause Court of Tellicherry; that, in former times, there was a District Moonsiff's Court at Manantoddy for the whole of the Wynaad Taluq; that, as the Moonsiff resided permanently in Wynaad, he had time and opportunity to make himself acquainted with the manners and habits of the inhabitants of the taluq, as well as the nature of their transactions; that, in those times, suits on false documents were almost never known, and the inhabitants were more satisfied than by the decrees passed at present by the Small Cause Court of Tellicherry.

10. That as the Judge of the Small Cause Court resides for ten months in the year at Tellicherry on the coast, and as the same Judge rarely comes twice on circuit to Wynaad, he has no chance of knowing the inhabitants or of acquiring a knowledge of the nature of their transactions; that, moreover, the decrees of the Small Cause Court are not appealable, and hence the injured party has no remedy of obtaining redress in a higher Court.

11. That, at the last sitting of the said Small Cause Court in Wynaad, three or four cases were proved to be completely false, the plaintiff actually pointing out in Court another person instead of the defendant named by him in the suit.

12. That, if your Lordship in Council will be graciously pleased to appoint a Commissioner, or direct the Collector of Malabar or the Deputy Collector of Wynaad to make strict inquiries, your Lordship will find that petitioners have not in the least exaggerated their grievances, and that the inhabitants are greatly dissatisfied with the abuse made of the said Small Cause Court.

13. Petitioners here crave permission to make the following suggestions, which, they humbly presume, will, if acted upon, prove a boon to the inhabitants of Wynaad, viz., that a District Moonsiff's Court be established in the centre and for the whole of Wynaad, as before, with power to entertain Small Cause suits up to 50 Rupees, and regular suits above that amount, as in the low country; that the Courts of the Vythery and Goodaloor District Moonsiffs be abolished; that Wynaad be exempted from the jurisdiction of the Tellicherry Small Cause Court; that if your Lordship in Council is disinclined to make these arrangements to vest the Wynaad Tahsildar with the powers of District Moonsiff with jurisdiction over seven amshoms and permit the Vythery and Goodaloor Moonsiffs' Courts to remain as they are at present, only with one difference, viz., that they have power to entertain Small Cause suits up to 50 Rupees and similar suits above that amount which shall be open to appeal, and to vest the Deputy Collector of Wynaad with authority to entertain Small Cause suits from 50 to 500 Rupees.

14. Petitioners are, moreover, informed that the authority of registering deeds, &c., is about being taken away from the Tahsildars and Sub-Magistrates and vested in Sub-Registrars to be appointed for the purpose. Petitioners fear that, if such arrangements are made, the same will prove a source of future grievances to the inhabitants.

15. Petitioners, in conclusion, beg to submit that it will be a great blessing to the inhabitants of Wynaad if your Lordship in Council will be graciously pleased to restrict the Courts in that taluq from receiving and filing documents and deeds that are not registered, as such restriction will, in a great measure, put a stop to forgery, perjury, and false litigation, which, they regret to state, is carried on to a considerable extent now in Wynaad.

16. Therefore petitioners most humbly and earnestly pray that your Lordship in Council will be graciously pleased to take all the aforesaid circumstances into consideration, institute inquiries,

and pass such orders as will protect the interests of the inhabitants of Wynaad and render them comfortable; for which act of goodness, petitioners, as in duty bound, will ever pray.

WYNAAD,
22nd April 1870. (Signed) വൈദ്യത്ത എടത്ത എളനസ്സ്വാൻ and 695 others.

No. 82. From the Collector of Malabar, to the Chief Secretary to Government, Fort St. George, dated Calicut, 29th June 1870, No. 69.

I have the honour to forward, for such notice as Government may deem necessary, a numerously-signed petition from Wynaad regarding the operation of the Small Cause Court.

2. I referred the petition to the Deputy Collector of Wynaad for inquiry as to whether the signatures are genuine, and he replies in the affirmative.

No. 83. ORDER THEREON, 23rd May 1871, No. 689.

The papers above recorded have reference to the Official Agency for the Administration of Justice in the Taluq of Wynaad, in the Malabar District.

2. The petition presented by Mr. O'Sullivan, Barrister-at-Law, a copy of which has been submitted by the Collector of Malabar, with a statement that the signatures affixed thereto are genuine, is principally taken up with a narrative of the grievances to which the Native inhabitants of North Wynaad are exposed by the operation of the Small Cause Court of Tellicherry, which holds sessions for two months in each year at Manantoddy, and in which it is alleged that suits are filed by "Moplahs and other inhabitants of the low country," against the inhabitants of the plateau, and are disposed of *ex parte*. The petitioners assert that the commission of injustice is facilitated by want of knowledge of the people and of local circumstances on the part of the Judge of that Court, who visits Wynaad only for a brief period in the year; while, in consequence of the frequent changes in the *personnel* of the Judgeship, it seldom happens that the same Judge holds sessions for two years consecutively. The petitioners pray that Wynaad may be removed from the jurisdiction of the Tellicherry Small Cause Court; that the Deputy Collector at Manantoddy may be invested with Small Cause jurisdiction in suits from Rupees 50 to Rupees 500; and that either a District Moonsiff may be appointed for the whole of Wynaad with Small Cause jurisdiction up to Rupees 50, or that the Tahsildar of Wynaad may be invested with the powers of a District Moonsiff over seven amshoms, those apparently which now constitute the territorial jurisdiction of the Deputy Collector in his capacity of District Moonsiff.

G. O., 1st May 1865, No. 645.

3. The other petition presented by the Planters of South-East Wynaad raises questions of a much more difficult character. They desire that the whole of South-East Wynaad may be included in the jurisdiction of the Commissioner of the Neilgherry Hills. The Commissioner is not opposed to this arrangement, but considers it to be impracticable, unless he is relieved of a considerable portion of judicial work which now devolves upon him. With this view, he suggests the addition to the Neilgherry District of the Collegal Taluq and other parts of the Coimbatore District which are adjacent to the Neilgherry Hills; the abolition of the

appointment of Sub-Collector of Coimbatore; and the appointment of a Subordinate Judge to dispose of the greater part of the judicial business now coming before the Commissioner and his Assistant.

4. At present the local judicial work in connexion with the Wynaad Taluq, excepting the exercise of Small Cause jurisdiction in suits for sums between Rupees 50 and Rupees 500, is divided between the Deputy Collector at Manantoddy and the Sub-Magistrates stationed at Vythery and Goodaloor, each of these officers being invested with the powers of a District Moonsiff, and exercising, in virtue of the latter office, the jurisdiction of a Court of Small Causes in suits for sums not exceeding Rupees 50, under Section 2 of Madras Act IV. of 1863. In respect of suits from Rupees 50 to Rupees 500, this jurisdiction is exercised in Wynaad by the Judge of the Small Cause Court at Tellicherry, who holds sittings for that purpose at Manantoddy for two months in every year.

5. On a careful consideration of the foregoing papers, the Government are of opinion, with regard to the petition of the Native inhabitants of North Wynaad, that there is at present no urgent necessity for the exercise of Small Cause powers in Wynaad in suits above Rupees 50 in value; and that the wishes of the petitioners might be sufficiently met if Wynaad were withdrawn from the jurisdiction of the Small Cause Court at Tellicherry, and all Small Cause suits now tried by that Court, during the two months for which it holds sittings at Manantoddy, were made triable as ordinary suits by the Deputy Collector in his capacity of District Moonsiff. This work, it is thought, could easily be performed by the Deputy Collector, if his local jurisdiction as a Magistrate and Revenue Officer be limited to the seven amshoms named in the margin, and thus made conterminous with his present local jurisdiction as a District Moonsiff.

Ellornad.	Pooda.
Nalurnad.	Pornanur.
Yeddavaguh.	Kupathod.
Thondarnad.	

6. With regard to the petition submitted by the Planters of South-East Wynaad, the Government, as at present informed, do not see any objection to the transfer of a portion of that part of Wynaad to the Neilgherry Commission. They cannot, however, entertain the suggestions made by the Commissioner in reference to this petition. The appointment of a Subordinate Judge within the range of the Commission would require a revision of the Act constituting the Neilgherry Hills a Commissionership, which was passed so recently as in 1868. The transfer of the Collegal Taluq to the Hills is also out of the question.

7. On the other hand, the Government have no doubt that the inclusion of the whole of South-East Wynaad within the limits of the Commissionership would entail absences of longer duration on the part of the Commissioner from his head-quarters than would be compatible with the punctual performance of his duties at Ootacamund. It should be borne in mind that the European Planters are not the only persons whose interests have to be considered. In the tracts comprising South-East Wynaad there are numerous Native proprietors, some of whom have an interest in land held by European Planters, while others hold and occupy land themselves, to all of whom a resort to the Courts at Ootacamund would be very inconvenient. This inconvenience was forcibly pointed out by Mr. W. Robinson, when Acting as Collector of Malabar, in a letter* which he wrote on the subject in February 1857, with

* Ext., Mins. Cons., 3rd March 1857, No. 25.

reference to a proposal for includ... the whole or greater part of what is no... South-East Wynaad in the jurisdic...n of the Subordinate Court then existing at Ootacamund.

8. If, therefore, any part of W...naad is to be ...luded ...the Commissioner-ship, arrangements must be made for the Commissioner and his Ass... holding Court periodically at Goodaloor; and, in order that this may not constitute a great a tax upon their time, the Government think it advisable that, at first, at all events, a very limited tract of country should be added to the Neilgherry Commissionership. With this view, the Governor in Council proposes, as an experimental measure, to extend the limits of the Commissionership to the road which runs from Tippoocandoo to the top of the Carr...or Pass, including some of the estates at Goodaloor and the whole of what is called the Ouchterlony Valley. The Commissioner and the Collector of Malabar will place themselves in communication with reference to this proposal, and submit a joint report on the subject through the Board of Revenue. It will be open to them to suggest another boundary line, if that above suggested should not appear to be suitable. Mr. Brooks will also submit a statement of the arrangements under which the Commissioner and his Assistant would hold Court at Goodaloor and transact other business.

9. If the above proposal is carried out, and if after trial it should be found that the additional work imposed upon the Commission is not heavy, and that a still larger tract of South-East Wynaad might be added to it, it will be easy to make the addition hereafter.

10. It will be observed that, should that portion of South-East Wynaad, which the Government now propose to transfer to the Neilgherry District, be included in the Commission, all the civil and criminal business relating thereto will have to come before the Commission. It will then be necessary to divest the Sub-Magistrate at Goodaloor of his powers as a District Moonsiff, and it is possible that the office may be dispensed with altogether. On this point the Commissioner will report, after ascertaining from the Magistrate of Malabar, the amount of criminal business which comes before the Officer in question.

11. If the transfer above referred to be carried out, the remainder of South-East Wynaad should be placed under the jurisdiction of the officer stationed at Vythery; and, in order to the more satisfactory performance of the duties, the Governor in Council thinks that it would be advisable to station at the latter place either a Covenanted Assistant or a Deputy Collector, who should have the Revenue and Magisterial charge of South Wynaad and of that portion of South-East Wynaad which may not be placed under the Neilgherry Commission, and who should also be invested with the jurisdiction of a District Moonsiff, the office of Sub-Magistrate of Vythery being abolished.

12. Under the arrangements above proposed, a part of the tract now designated as South-East Wynaad will be transferred to the jurisdiction of the Neilgherry Commission, and the rest of the Wynaad Taluq will be divided between two Officers competent to dispose of the greater part of the business connected therewith, both administrative and judicial, that is likely to arise. North Wynaad will, as at present, be under the jurisdiction of the Deputy Collector and Magistrate stationed at Manantoddy, who will continue to exercise the powers of a District Moonsiff and

... who will be relieved of all work ... and will thus have more time for his ...

...naad and that portion of South-East Wynaad, which ... Malabar District, will be placed under an Assistant ...or and Magistrate, to be stationed at Vythery, who will ... of a District Moonsiff with Small Cause jurisdiction up to ... Cause jurisdiction now exercised in Wynaad by the Court ... Vythery will be abolished.

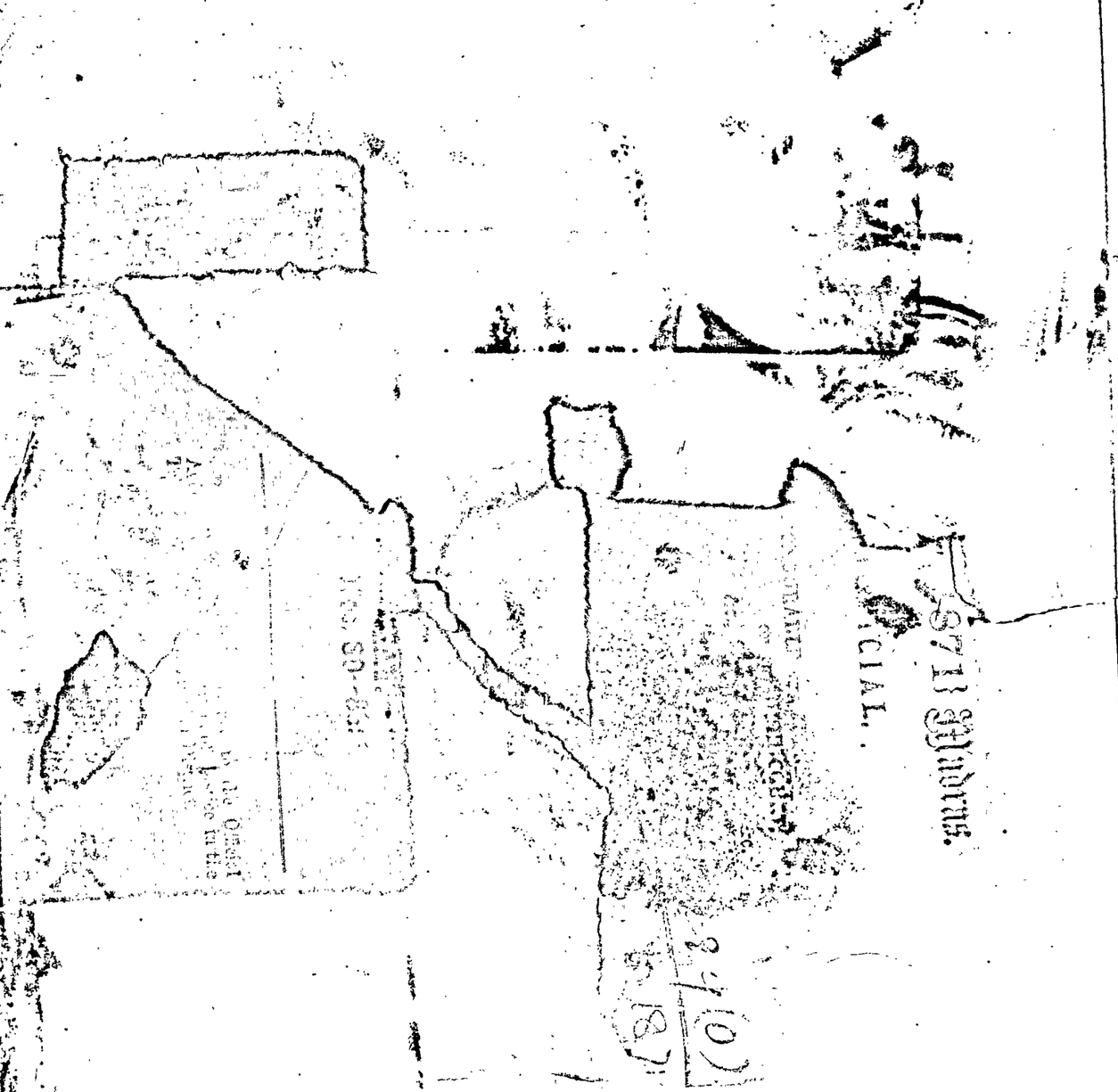
The Honourable the Judges of ... Court will be requested to ... ...overnment with their views as to the ...ncy of the changes above proposed ... so far as they affect the judicial adm... ...tion of Wynaad. The Board of ... Revenue, when submitting the joint repor... the Collector of Malabar and the ... Commissioner of the Neilgherry Hills called ... in paragraph 8 of these Proceedings, ... will report whether a Deputy Collector ... spared from another District for ... employment at Vythery, his place being su... ...plied by a Covenanted Assistant.

(True Extract.)

W. HUDLESTON,
Acting Chief Secretary.

To the Honourable the Judges of the High Court.
" Revenue Department.
" Board of Revenue.
" Collector of Malabar.
" Commissioner of the Neilgherry Hills, with a map returned.
To P. O'Sullivan, Esq., Barrister-at-Law.

Extd. J. Wright.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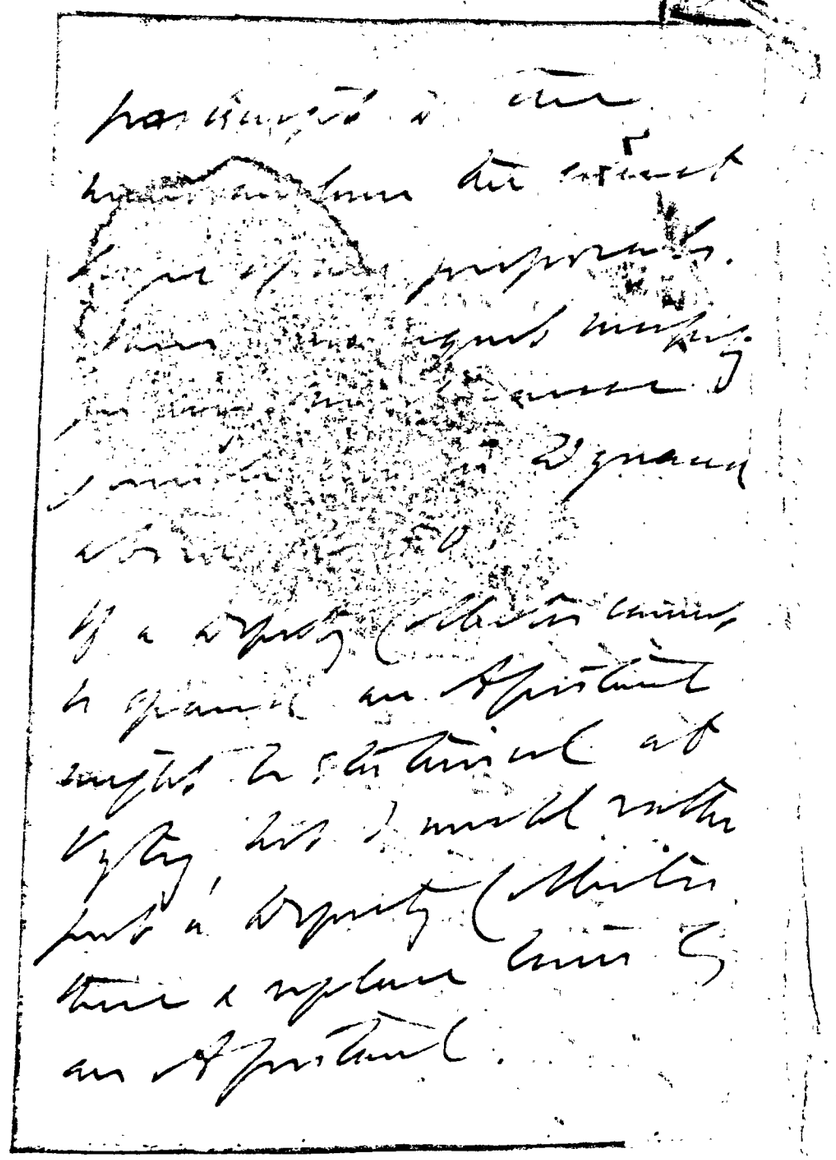

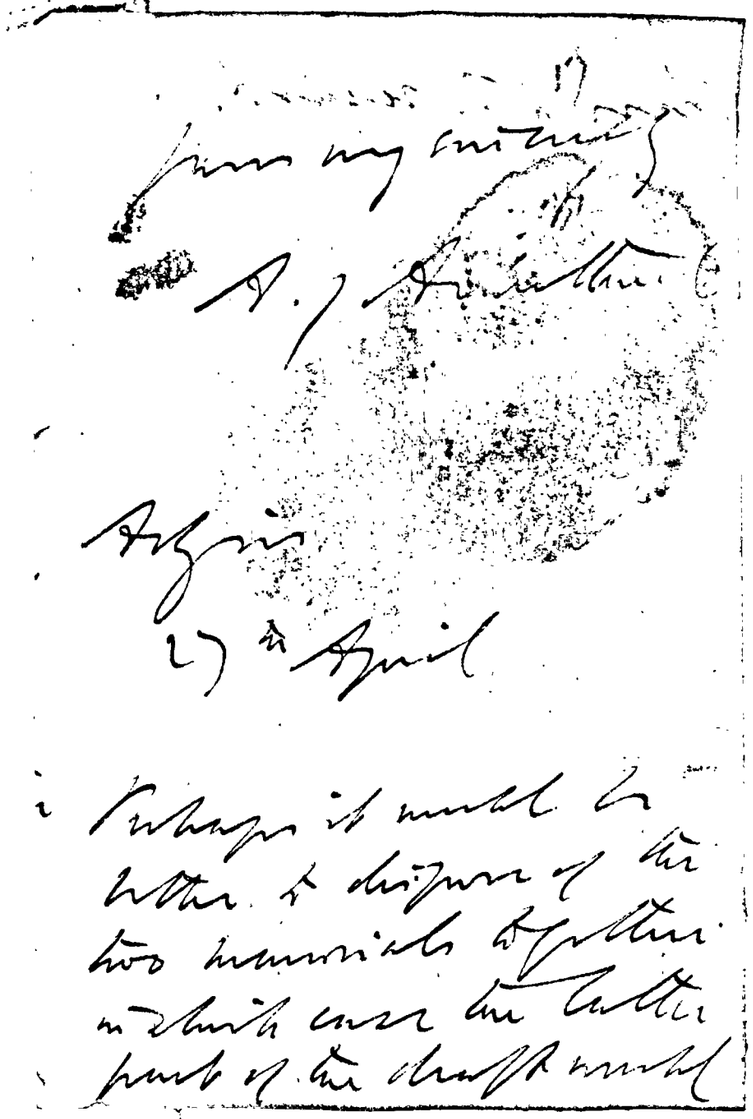

Rec'd 25/4/71

W. W. Pearson

57

High Court
24th April 1871

My dear Stokes

I believe that Mr. Underwood Dy. Collector and Magte. of Wynaad - does exercise the powers of a District Munsif at Manantoddy - altho' his name does not (through some oversight) appear in the list which we have just compiled of Judicial officers -
The Quarterly Returns of Civil Operations for the Tellich. of Tellicherry however show cases

disposed of by the Dl. Munsif
of Manantoddy - who appears
to be the Dy. Collector & Magte
of N. Wynaad.

Yours Sincerely
A Weir

H. E Stokes Esq

Wm Wood.
Note from
Mr Dy Registrar
Kilmainham

Read 25

4191

The arbitrator
suggests that he
deem quite
but there is
why the Fr of
boyhood, the
of which are
in the Petn
should not be
& the Wellington Bs
a strong which ought
be carried out without
any undue charge

J H B

I think it is too soon to make
the very great changes proposed
by Mr Burke: The prayer of
the Petn to be included in
the Wellesley Commrs Bill, might
with advantage be granted
& Mr Burke be requested to
report at the end of six months
the increase of work resulting. When the Govt can
consider what further assistance should be given to him
or whether the change advocated in his present letter by Mr Burke
should be carried out. Bill

[illegible] papers [illegible] upon
the administration of justice
in Ireland: the petition
presented by the Roman Catholics
of Ireland, which has been
referred to the consideration
of this House with directions
to report their opinion
thereupon to the House;
as also the petition
of the Roman Catholics
of the County of Clare
against the return
of Sir Edward Nagle
and Colonel Fitzgerald
as members for the said
County, and the petition
of the Roman Catholics
of the City of Limerick
against the return
of Mr. Vereker and
Mr. Prittie as members
for the said City, and
the petition of the Roman
Catholics of the County
of Tipperary against
the return of Mr. Bagwell
as member for the said
County, and the petition
of the Roman Catholics
of the County of Waterford
against the return
of Mr. Beresford
as member for the said
County, and the petition
of the Roman Catholics
of the City of Waterford
against the return
of Mr. Wyse as member
for the said City, and
the petition of the Roman
Catholics of the County
of Kilkenny against
the return of Mr. Ponsonby
as member for the said
County, and the petition
of the Roman Catholics
of the City of Kilkenny
against the return
of Mr. Shee as member
for the said City, and
the petition of the Roman
Catholics of the County
of Wexford against
the return of Mr. Colclough
as member for the said
County, and the petition
of the Roman Catholics
of the City of Wexford
against the return
of Mr. Carew as member
for the said City, and
the petition of the Roman
Catholics of the County
of Carlow against
the return of Mr. Bruen
as member for the said
County, and the petition
of the Roman Catholics
of the City of Carlow
against the return
of Mr. Vigors as member
for the said City, and
the petition of the Roman
Catholics of the County
of Dublin against
the return of Mr. Grattan
as member for the said
County, and the petition
of the Roman Catholics
of the City of Dublin
against the return
of Mr. Grattan as member
for the said City, and
the petition of the Roman
Catholics of the County
of Meath against
the return of Mr. Preston
as member for the said
County, and the petition
of the Roman Catholics
of the City of Meath
against the return
of Mr. Preston as member
for the said City, and
the petition of the Roman
Catholics of the County
of Westmeath against
the return of Mr. Nugent
as member for the said
County, and the petition
of the Roman Catholics
of the City of Westmeath
against the return
of Mr. Nugent as member
for the said City, and
the petition of the Roman
Catholics of the County
of Longford against
the return of Mr. Pakenham
as member for the said
County, and the petition
of the Roman Catholics
of the City of Longford
against the return
of Mr. Pakenham as member
for the said City, and
the petition of the Roman
Catholics of the County
of Cavan against
the return of Mr. Maxwell
as member for the said
County, and the petition
of the Roman Catholics
of the City of Cavan
against the return
of Mr. Maxwell as member
for the said City, and
the petition of the Roman
Catholics of the County
of Monaghan against
the return of Mr. Leslie
as member for the said
County, and the petition
of the Roman Catholics
of the City of Monaghan
against the return
of Mr. Leslie as member
for the said City, and
the petition of the Roman
Catholics of the County
of Donegal against
the return of Mr. Conyngham
as member for the said
County, and the petition
of the Roman Catholics
of the City of Donegal
against the return
of Mr. Conyngham as member
for the said City, and
the petition of the Roman
Catholics of the County
of Londonderry against
the return of Mr. Ponsonby
as member for the said
County, and the petition
of the Roman Catholics
of the City of Londonderry
against the return
of Mr. Ponsonby as member
for the said City, and
the petition of the Roman
Catholics of the County
of Tyrone against
the return of Mr. Stewart
as member for the said
County, and the petition
of the Roman Catholics
of the City of Tyrone
against the return
of Mr. Stewart as member
for the said City, and
the petition of the Roman
Catholics of the County
of Fermanagh against
the return of Mr. Cole
as member for the said
County, and the petition
of the Roman Catholics
of the City of Fermanagh
against the return
of Mr. Cole as member
for the said City, and
the petition of the Roman
Catholics of the County
of Armagh against
the return of Mr. Brownlow
as member for the said
County, and the petition
of the Roman Catholics
of the City of Armagh
against the return
of Mr. Brownlow as member
for the said City, and
the petition of the Roman
Catholics of the County
of Down against
the return of Mr. Ponsonby
as member for the said
County, and the petition
of the Roman Catholics
of the City of Down
against the return
of Mr. Ponsonby as member
for the said City, and
the petition of the Roman
Catholics of the County
of Antrim against
the return of Mr. Macnaghten
as member for the said
County, and the petition
of the Roman Catholics
of the City of Antrim
against the return
of Mr. Macnaghten

a jurisdiction the Courts of Inferior Courts of the Peace and of Local Circumstances as the Court of the Judge, this Civil Jurisdiction in a Civil Court from which Magistrates of the Peace, in the Province of the Judge, shall be the same Judge this year running. The Petitioner from such Judgment may be removed from the jurisdiction of the Court of Small Causes at Tellicherry, but the Appeal Petitioner may be invested with Small Causes jurisdiction in civil suits from Rs 50 to Rs 500, and but either a District Judge may be appointed for the Court of Appeal with Small Causes jurisdiction up to Rs 50, or but the Tellicherry Judge may be invested with the powers of a District Judge over similar Suits,

those appeals which constitute heretofore. 2.

2. It does not appear from the Petition, or from the papers which have been put up, that Officers entitled at present the jurisdiction of a District Judge in hearing appeals from the decisions in the Inferior Courts in the Province of the Judge of the Court of Small Causes. The Court might be, the best plan would be to vest them with Small Causes powers up to Rs 50, and more Civil jurisdiction up to the Tellicherry Court of Small Causes. The Court might also be asked to consider the propriety of communications

with the Local Authorities, and to powers and with this view as well and as the powers above specified.

3. The other Relations provided by the Charters of South East Essex and various functions of a more difficult character than those that Authority of South East Essex as would [illegible] included in the jurisdictions of the Commissioners of the Building Bodies.

The Commissioners is not required to [illegible] arrangements but unless it is the [illegible] impracticable unless he is relieved of a considerable portion of the judicial work which now devolves upon him. With this view he suggests the abolition of the Tribunal sitting and other parts of the Counties of [illegible] which are adjacent to the Building Bodies & the Building Bodies [illegible] abolition of the Tribunal of Arbitration and the appointment

of a subordinate Judge & Assistant of the greater part of the judicial business now coming upon the Commissioner and his Assistant.

5. I regret there proposals as [illegible] impracticable the appointment of a [illegible] Judge within the range of the Building Commissioners would require a revision of the Act constituting the Building Bodies. a Commissioner with this proposal to remove [illegible] as [illegible] Act [illegible] he the Chief Court of Appeal no doubt but the inclusion of the Clerks of South East of the Building Bodies in the limits of the Commissioners duties would entail absence of large duration on the part of the Commissioner from the head quarters [illegible] incompatible with the punctual performance of his duties [illegible]

[illegible] must be numbered and the Engineer planters are not the only persons whose interests have to be considered. The Boards powers under existing Acts are numerous & various & would be affected by the arrangement. In the case of Portsmouth there are numerous [illegible] Docks, basins & Quays which are vested in Local Boards of Engineer Planters, which other Local & occupy land & Quays, & all of them a report of the Court of Ordnance would be very inconvenient. The inconvenience is fully pointed out by the D. Admiralty in a letter dated 1st March 1855, when a proposal for including the Docks & Quays of the Portsmouth Local Board

beyond on the jurisdiction of the Harbour Board & their existing & Ordnance arrangements.

6. If there are any parts of Hayling is included in the Commissioners arrangements must be made for the Commissioners and his Assistant periodically holding Courts at Gosport and it will not be practicable to grant a [illegible] allowance to them upon their Circuit, & some arbitrable test of fitness will enable a very large [illegible] to be selected. What I would suggest is that in an [illegible] manner the Commissioners clerks of the Courts should be entitled to the usual Circuit which were given to Officers of the Royal Engineers, including of the Railway Pass, including some of the Clerks of the Local Boards & that it will be [illegible]

valley. I would mention that the Commissioners & the Collector of Customs have met for the purpose of making their arrangements & the limits of the jurisdiction of the former officer and will fix their views on the proposed and for the establishment of arrangements under which the Commissioners would [illegible] & the limits etc etc.

If the proposal is carried out and if after trial it appears that the arbitrary power vested in the Commissioners is not heavy, and that it is still kept that if both Governments might be satisfied if it will be easy to make the arbitrary power. At present the Collector has the jurisdiction of a District Magistrate both Governments. Their duties [illegible] in connection with the Fishing Commission

all the civil & criminal business will have to come before the Commissioners. The Collector might then be invested with Fishery powers & some other place in S. E. Island as the appeal might be abolished & the business both civil & criminal of that part of S. E. Island which will remain under the Customs Collector might be transferred to the Commissioners. This plan would provide for the transfer of part of S. E. Island to the Fishery Commissioners and for the proper division of the work of the entire Islands

[illegible] two officers employed
to dispose of the prisoners
of the Insurrection, by summary trial
& judicial sentence of death.
Upon a deputation of Planters
waited upon Lord Ripon in
Jefferson Co. Court, I understood
him to promise any such course
as an assessment as to which
I was perfectly satisfied, and
should be very sorry for any

Sept.

2nd Sept/31

[illegible] the above was written
when I received the Despatch
(Martial Law) from Governor Eyre
the powers of a District Assembly
in the Town Buildings and
in his capacity of District Assembly
this Court passes up £ 50.
All the prisoners but one to be
[illegible] and the sentence of the Court
summarily executed if it
shall please Governor Eyre in the
exercise of the jurisdiction
of the Court of Martial Law at

I Blackburn, in this project I
would be sure the opinion of
the Supreme Court as to how
proposed, the Court would
now sit & the Court of
Quarter Sessions should
not matters for which
Court sits at Kingston which
must [illegible] upon
[illegible]
arbitrary [illegible] by the
Governor. This would, if the
jurisdiction is limited to
those Parishes, involve
with and inevitably [illegible]
duties. As I understand
the matter, the Governor
[illegible] is supposed
[illegible] the exercise of
powers of Courts of Quarter
Sessions up to £ 50,
[illegible] is divided between the
Magistrates of the Parishes
of Kingston and the
Parishes of Port Royal
[illegible] Parishes
of [illegible] Parishes
[illegible] Parishes
[illegible] Parishes
[

Judicial Department

Letter from C. Sullivan Esq. Barrister at Law
Madras 4th Oct. June 1850.
Letter from Collector of Malabar 3rd Sept. June 1850
Do. Sep.

Memo: Sir Edert.

Question. Whether it is necessary to alter the present administration of the Government

Certain broad principles
-ciples of the Government
the enactment of new regulations
the Government

1st That a District Munsiffs Court may be established in the County of Tinnevelly for the whole of that District, with powers to try suits not exceeding Rs 50 in amount or value in the Town County, and that the Courts of the Zillah and Town Districts

* At present District Munsiffs have primary jurisdiction over Suits for Land exempt from the payment of Govt. rent, the annual produce of which does not exceed Rs 100, and for Land subject to the payment of Govt. rent, or other real or personal property or money, where the value of the matter in dispute does not exceed Rs 1000 —

with a Town Court
the Zillah County Court
the rest of South Canara
Cuddapah & South Arcot
will be placed under
a Zillah Court
of Judicature, consisting
of a Judge, assisting
Judges & District Moonsiffs
with Small Cause jurisdiction
up to Rs 50,
but without appeal
with Small & Small
Cause jurisdiction up to Rs 50,
but without appeal in all
with Small & Small Cause Judges
in the Interior of Provinces
& Judge with Sessions
assignment to, if the Zillah Court
can be provided by reducing the
number employed in the Low Country
& Canara, but will be a decrease &
not an increase of Expenditure.

A.D.

be abolished. That if the Government do not approve of this arrangement the Wynaad Tahsildar may be vested with the powers of a District Munsiff with jurisdiction over 7 Amshoms [illegible] including those of Coorabon and Eythery) and the District Munsiffs of Eythery and Coorabon may be allowed to remain as they are with the exception that they may be empowered to entertain Small Cause suits up to Rs 50. That apparently in either case the Deputy Collector of Wynaad may be authorized to entertain Small Cause suits from 50 to 500 Rs. but that the Wynaad may be exempted from the jurisdiction of the Tellicherry Small Cause Court, which at present

holds sittings there for two months in the year -

(2.) That the authority of registering deeds may continue to be vested in the Tahsildar of Wynaad -

2 - The same individuals sent in a similar Petition to the Collector of Malabar who ascertained that the signatures were genuine -

3 - The petition is entirely taken up with complaints of the failure of justice during the two months session of the Small Cause Court owing to the frauds practised by the "Mopplays and other inhabitants of the low country" who gain suits [illegible] on forged documents - Petitioners further state that the decrees are very often pass-

ed [illegible]

by Parte - the defendants absence being accured by the Plaintiff bribing the Court Peon not to serve the Summons and failed to enter on the duplicate that it has been duly served -

4 - By G.O. of 26 Feb. 1854 No. 257 the Government vested the Judicial administration of the Wynaad. The Sessions Court Judge of Tellicherry holds Sessions for two months in the year in the Wynaad. It appears that there is no other Officer in the Wynaad who has any Sessions Court jurisdiction whatever. The last Magistrates of the Pytherry and Gooddaloor Sundrums have been annexed with the powers of a District Munsiff, but there is no District Munsiff.

Munsiff at Manantoddy vide Page 174 of the Ceylon Press Almanac for 1870.

5 - From Proceedings of Government dated 17th July 1866, No. 1120, it appears that the District Munsiff of Manantoddy had a very small number of Suits & disputes &c, and his Jurisdiction caused the abolition of his Office.

6 - The complainants & Petitioners is based upon delay of proceedings or difficulty of bringing their Suits before a Court, but entirely on the fact that a Sessions Court Judge who only visits Wynaad on Circuit has not the same opportunities of becoming acquainted with the people as a resident Judicial Officer. In regard to the

request of Petitioner that the Deputy Collector may be invested with Small Cause powers it is to be observed that under Section 4 of Madras Act IV of 1863, the Government are only empowered to vest a "Civil or Subordinate Judge, or Principal Sudder Ameen with Small Cause Jurisdiction. Section 15 of Act XI of 1865 gives power to the Government to invest any person with Small Cause jurisdiction for a limited period, but these powers must be exercised by in a Court regularly constituted under that Act, and concurrently with the powers of the Judge of said Court. Consequently the Collector would not be the case of Appeal.

As no embodied the Petition may be

Dr Ins. cannot entertain Original Petition Civil Jurisdiction of 2 Rs. 50. Collector. L. 3. Acts of 63. Madras.

Note.
The Collector of Malabar might also be consulted on this opinion. He will probably be able to state whether there is general dissatisfaction with the present arrangement

regard to the Civil Jurisdiction of the Small Cause Court with reference to the number of Suits disposed of during the last [illegible] number of Petitions [illegible] Petitioners to the Small Cause Court [illegible] Petitioner is also [illegible] Collector's Office [illegible] Petitioner may [illegible]

Mr. Ins.

Judicial Dipartment

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

Letter from [illegible] dated [illegible]
[illegible] of Law -
— from the Collector dated 29th Jan 18[illegible]
of Malabar
— from Commissioner [illegible] 12 January
of the Southern Division

Order thereon 23d March 1791

The Reference on
Record has reference
to the official agency
the administration of J
in the Taluk of Wyn
in the Malabar Dis

2

Agreeing to a partial
Transfer of S. E. Wynaad

No.

A & A.

See remarks
Pattern Sir

But all this ar-
sumes that the
allegations contain
in the Petn are
true - Have we
any Evidence of
this? Or the Court
know that the Alle-
gations of the Petition
of H. Wynaad claim
the change? Are the
Petn. men of character?

J. Ord

+ I would add
"The transfer to
the College Woods
of the Hill is also
of the Grants
of

Extract from Council Minutes 5th March 1825

Looking to the Boundary
and Hereby Calls
on that behalf the Surveyor
Generall Chief Engineer &
to the Commissioners
Judicial
Commissioners
Surveyor Generall
Commissioners
Judicial
Commissioners
Surveyor Generall
Commissioners
Judicial
Commissioners
Surveyor Generall

There must be a
local magistrate to
deal in the petty cases...

The Hon'ble the Judges of the High Court.
- Revenue Depart.
- Board of Revenue.
- Collector of Malabar
- Commissioner of the Nair Asem Bill with a map rec'd
- P. O'Sullivan Esq
Barrister-at-Law

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