

40+2 May

22-6-43

Judicial Department

Cic no 1097 d 15-7-1873

Proceedings of the Madras Government, Judicial Department.
15th July 1873.

Read again Proceedings of Government, dated 23rd May 1871.

Read also the following papers :—

No. 72. From H. WIGRAM, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Hon. W. HUDLESTON, Acting Chief Secretary to Government, Fort St. George, dated Madras, 16th June 1871, No. 1060.

I am directed to acknowledge the receipt of your letter to the Chief Justice forwarding copy of the Proceedings of Government, Judicial Department, dated 23rd May 1871, No. 689, and requesting the opinion of the High Court as to the expediency of the proposals made in paragraphs 5, &c., so far as they affect the existing judicial arrangements in the Wynaad.

2. In reply, I am instructed to state that the Court are not in a position, from want of information as to the number of native inhabitants in the portion of South-East Wynaad proposed to be attached to the Neilgherry Commissionership, and as to the number of suits instituted by or against them which are now pending, to give any decided opinion as to the expediency of the change suggested. But as far as they can judge, provided that suitable arrangements are made for holding periodical courts at Goodaloor, no real hardship is, in the opinion of a majority of the Court, likely to result.

3. The abolition of the jurisdiction of the Small Cause Court at Tellicherry over the Wynaad appears to the High Court to be a beneficial measure, and a proper remedy for the abuses complained of. Duly-qualified officers at Manantoddy and Vythery, exercising the ordinary powers of a District Munsif and the full powers of a Magistrate, should suffice for the present wants of the inhabitants of the Wynaad. From the periodical returns submitted to the High Court it appears that, during the last three years, the number of suits disposed of by the District Munsifs of Manantoddy, Vythery, and Goodaloor, was as follows :—

	Ordinary suits.	Small Causes.	Total.
1868	135	154	289
1869	110	174	284
1870	115	168	283

4. To these must be added the small causes between 50 and 500 Rupees which will now have to be tried as ordinary suits by the District Munsifs, but even then the files will be comparatively light.

No. 73. From J. W. BREEKS, Esq., Commissioner of the Neilgherry Hills, and A. MacGREGOR, Esq., Collector of Malabar, to the Hon. R. S. ELLIS, C.B., Chief Secretary to Government, Fort St. George, dated Ootacamund, 16th February 1872, No. 8.

As directed by G. O., 23rd May 1871, No. 689, we have the honour to submit our opinion on the question of the future boundary of the Neilgherry and Malabar Districts.

2. In paragraph 8 of the Order alluded to, Government, after dismissing the proposal made for including within the Neilgherries an extensive tract of Wynaad, propose, as an experimental measure, "to extend the limits of the Commissionership

to the road which runs from Tippacadoo to the top of the Carcoor Pass, including some estates at Goodaloor and the whole of what is called the Ouchterlony Valley."

3. In referring the question for report, however, it is left open to us to suggest another boundary line.

4. So far as the Ouchterlony Valley is concerned we are of opinion that the measure is most desirable. The valley is almost cut off from Malabar, and it is impossible to arrange for its being sufficiently visited by the superior officers of the district. The property there is either Government waste, or else in the possession and occupancy of European planters and capitalists, the majority of whom desire the change. The native inhabitants of this tract are without exception settlers who have resorted there for employment in the coffee estates. Such magisterial work as would be involved by the change would easily be performed by the Assistant Commissioner on the spot.

5. In regard to the town of Goodaloor, however, the case is different. It contains 124 houses owned by merchants and petty traders of all races, many of them entirely unconnected with coffee planting. The feeling against the transfer among this class is very strong, and it would be out of the question to oblige them to resort to Ootacamund for redress. Hence the necessity for the arrangement contemplated by Government of the Commissioner and Assistant Commissioner holding court at Goodaloor. The work connected with the town alone would be insufficient to warrant the maintenance of a Sub-Magistrate, but it would be very much more than could be imposed on the Commission, and the work, moreover, at such a place is of a character that can scarcely be adequately provided for by periodical sittings, the locality being feverish, and many of the most important cases connected with travellers or goods in transit.

6. The transfer of Goodaloor too, would it is conceived lead to difficulty in administering the adjoining country as part of the Malabar District. There is no othersuitable bazaar or position for a Sub-Magistrate's Court or Police Station in this part of Wynaad. If the Goodaloor Sub-Magistracy were abolished and those portions of South-East Wynaad left in Malabar transferred to the Magisterial charge of a Deputy Magistrate at Vythery, there would be a distance in some cases of fifty-five miles intervening between the scene of crime and the Court of first instance. Other objections exist, as, for example, the fixing of a boundary line close to a town and along a much frequented road. On the whole we are of opinion that the line should be drawn so as to leave Goodaloor in Malabar and transfer only the Ouchterlony Valley, and we annex a map in which is indicated the line which is, in our opinion, the most suitable for this purpose. From A to B it is well-known in the neighbourhood as Richardson's Line. It was demarcated by that gentleman when Deputy Collector, and has been regularly surveyed by Major Hessey. It was maintained by Government in the late suit as the extreme southern limit, north of which were contained all the various parcels of land, the estate of the late Nambalacode Varnavar of which formed the main title on which the Nellambur Rajah, and the purchase Pykara and Neddiwattum Chinchona Estates. The suit was determined in accordance with this line so far as it extended to the land then under litigation. The Varnavar was the border chief and the Munsif's sale included all his property, and

it may, therefore, be considered as a point established that no Malabar Jenmy title exists or ever existed beyond this line.

7. The western point of the line is a rock named Arata Para, and from this we would recommend that the line should follow a small stream to the big river, the river to the crest of the ghauts, and thence turn eastward along the crest of the ghauts to Neilgherry Peak, transferring estates as per annexed list.

8. In explanation of the fact of our recommending a line having no connexion with what is called the Ouchterlony Estate it may be remarked that the alleged boundaries, challenged we believe on all sides, are peculiarly unsuited on the north-west side to form the boundary of two districts, consisting as they do of imaginary lines crossing and recrossing mountain crests, ridges, and rivers.

9. The actual point of intersection of the two principal lines, as defined in a title deed produced before the Survey Department, one to be drawn east and west, the other north and south, has never yet been determined, and would fall, we are informed, not in Wynaad but below ghauts, somewhere in the Ernad Taluq, in the close vicinity of the Government and other teak forests.

10. In preference to this we have recommended a line which from the configuration of the country adapts itself to the practical requirements of administrative convenience.

Referred to the Board of Revenue for their opinion.

FORT ST. GEORGE,
8th March 1872.

(Signed) H. E. STOKES,
Under Secy. to Govt.

No. 74. Proceedings of the Board of Revenue, dated 11th April 1872, No. 582.

Read endorsement of Government, dated 8th March 1872, on joint report of Mr. J. W. BREEKS, Commissioner of the Neilgherry Hills, and Mr. A. MACGREGOR, Collector of Malabar, dated 16th February 1872, addressed to the Chief Secretary to Government.

ABSTRACT.—Referring to the Board, for opinion, letter from the Commissioner of the Neilgherry Hills, and the Collector of Malabar, submitting joint report regarding annexation of the Ouchterlony village to the Neilgherry District.

In 1869 the planters of South-East Wynaad petitioned Government to attach their district to the Neilgherries on the ground that its planting interests were of great importance and the connexion between the plantations and Ootacamund very intimate.

2. Government considered that a portion of the tract of country might be included in the Commissionership, but that this would render it necessary for the Commissioner and his Assistant to hold their courts periodically at Goodaloor. In order that this necessity might not keep them absent from the Hills too long, the tract added to the Commissionership must be very limited, and it was suggested by Government that the boundary should be the road from Tippacadoo to the Carcoor ghaut.

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3. In the joint report by the Commissioner of the Neilgherries and the Collector of Malabar now before the Board it is conclusively shown that the proposed line would be very inconvenient. The peculiar circumstances of Goodaloor require that there should be a magisterial officer resident on the spot, but the tract of Wynaad attached to the Commissionership would be too small and unimportant to warrant the expense of maintaining a Sub-Magistrate there.

4. The Board think the line proposed by Messrs. Breeks and MacGregor is a better line than that suggested by Government, or than that which is now in force. It is convenient and well-defined.

5. It must be observed, however, that the concession which will be given to the planters who submitted the petition of the 1st November 1869, if this line is chosen and ratified, will be very small.

6. With regard to paragraph 13 of G. O., dated 23rd May 1871, the Board have to state that they know of no district from which a Deputy Collector can be spared for employment at Vythery.

(True Extract.)

(Signed) J. GROSE,
Secretary.

No. 75. From A. MacGREGOR, Esq., Collector of Malabar, to W. HUDLESTON, Esq., Secretary to Government, Revenue Department, dated Calicut, 5th July 1872, No. 36.

I have the honour to request the early orders of Government on the subject of the transfer of a portion of the Wynaad to the Neilgherry District, as, until this is decided, no definite proposals can be made as to the future location of the Deputy Magistrate of Wynaad.

2. In their Order of the 23rd May 1871, Government threw out the suggestion that an additional Deputy Magistrate or Assistant Magistrate might be appointed for Vythery, the present arrangement by which a Deputy Collector is stationed at Manantoddy being maintained.

3. At that time sanction had been accorded for the construction of a Cutcherry, for the Deputy Collector at Manantoddy, at a cost of Rupees 17,440. As, however, the erection of such a building would seriously have embarrassed the free discussion of the future location of officials, and would have necessarily hampered Government in disposing of the question, I requested Major Kennedy to hold the work in abeyance, which he has done.

4. I am of opinion, that, if the proposal made by the late Commissioner of the Neilgherries and myself is approved, the remainder of Wynaad can be satisfactorily administered by one Deputy Magistrate.

5. The complaints that have arisen regarding the distance to which it is necessary to go to the Deputy-Magistrate's Office, are, in my opinion, chiefly owing to the fact that his position at Manantoddy is anything but central. This is the case as regards the geographical position, as will be seen from the enclosed map, but in a far greater degree as regards the present distribution of the planting interest.

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6. Originally Manantoddy was decidedly the most important place in Wynaad. The main road from Cannanore to Mysore (the only cart road then in Wynaad) passed through it, and a Military Detachment was located there, and coffee planting was at first more largely developed in that neighbourhood than in any other. On the opening of the Parambady ghaut road, however, the through traffic was diverted, and the cart road gradually fell into decay and became impracticable, and in that state has remained for many years. Cart traffic has only lately been resumed. In the meantime the southern and eastern portions of Wynaad have been opened up by cart roads to Mysore and to the coast; and while the acreage of coffee in those parts has been largely increased, that in North Wynaad, especially in the neighbourhood of Manantoddy, has decreased.

7. This has been caused partly by bad seasons, and is partly due to the fact that estates in North Wynaad were principally in the hands of Bombay capitalists and speculators, and that the estates, therefore, suffered from the extensive failures in Bombay a few years back.

8. In the last three years the European planters in North Wynaad have fallen from sixty to twenty, while in South and South-East Wynaad there are now upwards of one hundred.

	Fasli 1277.	Fasli 1278.	Fasli 1279.	Fasli 1280.
N. Wynaad ...	11,379	9,846	9,348	9,259
S. Wynaad ...	8,501	8,979	9,427	9,989
S.-E. Wynaad...	7,730	8,311	8,253	8,546*

* Of these 2000 in the Ouchterlony Valley may be left out of consideration.

9. The relative acreage of coffee in the various divisions during the last four faslis is as noted in the margin.

10. The South Wynaad districts of Teriote and Mupynad are those where the principal extensions may be expected.

11. As regards the total population of the three divisions of Wynaad, the figures as ascertained at the last census are as follow:—

North Wynaad ...	41,984
South do. ...	47,015
South-East Wynaad ...	37,347

12. Seeing that South Wynaad is the division where most coffee cultivation exists, and where it is increasing most rapidly, and that it occupies a position between the other two divisions, it seems to follow almost as a matter of course that if there is to be only one Deputy Magistrate, he should be stationed somewhere in South Wynaad, and the question resolves itself into the consideration of what spot is to be selected. The choice lies between Vythery, Kalpatty and some point in the open country between Kalpatty and Sultan's Battery. The last-named place is the most central and would be, I consider, the healthiest locality, but there is the drawback attaching to any attempt to establish a settlement where none exists, and it would be necessary to build, which in an experimental move is to be deprecated.

13. Kalpatty holds a bad pre-eminence in its reputation for unhealthiness both for Europeans and Natives. I would, therefore, recommend that in the first place Vythery be tried, and if it should be found not to answer, owing to unsuitable climate, then the site between Kalpatty and Sultan's Battery be tried.

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14. Vythery is one of the most rising places in Wynaad. There are already several Government buildings including a Sub-Magistrate's Cutcherry with Subsidiary Jail erected at a cost of 17,000 Rupees, also a Post Office, substantial dwelling-houses for the Sub-Magistrate, Inspector of Police, and Head Constable. There is a large bazaar and several shops, butcher, baker, &c. A hospital is in course of erection, and there is a Doctor established there in private practice. There is no travellers' bungalow, but an enterprising American who owns land in the neighbourhood, and keeps an extensive store, is about to start an hotel.

15. The following table shows the relative distances from Vythery and from Manantoddy to the principal planting centres:—

	Manantoddy.	Vythery.
North Wynaad—		
Peria	20	50
Manantoddy	0	30
Tirunhally and Coorg frontier	15	45
Korote and North-West Wynaad	12	24
South Wynaad—		
Teriote	15	15
Kalpatty	20	10
Vythery and Lackadie	30	0
South-East Wynaad—		
Mupynad	30	15
Cherambady	45	30
Devalla	55	40
Nellialom	50	45
Goodaloor	55	55

16. The following places, therefore, are those that would be brought nearer by the change:—

Kalpatty	10 miles nearer.
Vythery and Lackadie	30 do.
Mupynad	15 do.
Cherambady	15 do.
Devalla	15 do.

while those where the distances would be prolonged are as follow:—

Peria	30 miles longer.
Manantoddy	30 do.
Tirunhally and Coorg frontier	30 do.
Korote and North-West Wynaad	12 do.

17. There can be no question whatever that the importance of the districts in the former list far outweighs that of those in the latter, and the change would go far to meet the views of the parties who submitted the petition of 1st November 1859.

18. I do not advocate the abolition of the Sub-Magistrate of Vythery, as such a measure would cast too much restraint on the movements of the Deputy Collector, who could not do justice to such a wide charge as Wynaad, were he tied down by the requirements of a criminal court of first instance for petty cases. Besides this the Sub-Magistrates are now employed as Deputy Tahsildars.

19. The present arrangement for civil justice is that the Deputy Collector exercises the functions of a Munsif in North Wynaad, the Sub-Magistrates of

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Vythery and Goodaloor, the same functions in South and South-East Wynaad respectively, the Small Cause Court Judge of Tellicherry holding an annual court at Manantoddy for two months, for the whole of Wynaad. The Government have already had before them the unsatisfactory results of such a temporary sitting for summary suits, by an officer without local knowledge, and if I may be allowed to express an opinion I should say that it would be far better to invest the Deputy Magistrate with the summary cognizance of Small Cause suits which his intimate knowledge of the taluq and people would help him to dispose of satisfactorily, than to give him and the Sub-Magistrates power as now to decide suits involving large sums of money and titles to land, for the decision of which their previous training has given them no special qualification. If the Deputy Magistrate were invested with the powers of a Small Cause Court Judge, it might be a question whether he should hold a quarterly sitting alternately at Manantoddy and Goodaloor or Devala. Such an addition to his work would call for some increase to his salary.

20. It would seem advisable that, for the decision of land suits and suits for sums exceeding those cognizable by Small Cause Courts, the nearest Munsifs' Courts at the foot of the nearest ghaut should be resorted to. This would divide the work among four Courts attached to two different Zillahs, and the increase to their files would be scarcely appreciable.

21. This matter, however, is beyond my province, and scarcely affects the question of the transfer now proposed, as, if the Deputy Magistrate were removed to Vythery, the civil business of North Wynaad could be taken by the Tahsildar, who is stationed at Manantoddy.

22. If Government approve of the transfer, it can be carried out at once, as the Deputy Collector will have no difficulty in renting a house at Vythery; and until it is decided whether the move shall be permanent, he can be allowed to furnish temporary accommodation for his office as heretofore.

No. 76. ORDER THEREON, 15th July 1873, No. 1097.

The Governor in Council approves the proposal to transfer to the jurisdiction of the Commissioner for the Neilgherry Hills the tract known as the Ouchterlony Valley within the boundaries settled by Messrs. MacGregor and Brecks, viz., the demarcated line known as "Richardson's Line" from the Pykara River to the rock known as the Arata Para, and thence following the stream running into the Karkoor River, and the river itself to the crest of the ghaut, and so along the crest of the ghaut to the Neilgherries Peak. Under Section 1, Act I. of 1868, Madras, he resolves to direct that the tract so defined be included in the jurisdiction of the Commissioner of the Neilgherries with effect from 1st September 1873.

2. The other points raised in the Proceedings of 23rd May 1871 were as to the advisability of withdrawing the Wynaad from the jurisdiction of the Small Cause Court at Tellicherry, leaving the suits above Rupees 50 value that might arise there to be tried in the District Munsifs' Court in the taluq, and re-distributing the revenue and magisterial charges of the taluq between two officers of the class of Deputy Collector with the powers of a District Munsif superadded.

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3. The High Court were in favour of the withdrawal of the taluq from the jurisdiction of the Tellicherry Small Cause Court, but that Court has since been abolished altogether, and the jurisdiction of District Munsifs has been extended to suits of value not exceeding Rupees 2,500, while the Sub-Judges (formerly Principal Sadr Amins) have been invested with Small Cause jurisdiction up to Rupees 500.

4. The Governor in Council is not certain whether the Wynaad Taluq is included within the local limits of the Tellicherry Sub-Judge, but, assuming that it is so, it will be advisable to exclude it from his Small Cause jurisdiction. On this point the Acting District Judge of North Malabar will be directed to report.

5. The Governor in Council is not satisfied that necessity exists for creating at present in the Wynaad any Court having the full powers of a Court of Small Causes, *i.e.*, above Rupees 50, to which amount they are exercised by the District Munsifs; but Section 15, Act XI. of 1865, would seem to allow of these extended powers being vested in the Deputy Collector and Magistrate in charge of the taluq for specific periods in each year should such arrangement be deemed advisable, and it will be open to the District Collector of Malabar to bring forward proposals on this point if he thinks the arrangement necessary.

6. There remains the question as to the future station for the Deputy Collector and Magistrate, as the inclusion of the Ouchterlony Valley in the Neilgherry District renders the employment of an additional officer of this grade unnecessary.

7. At present the Deputy Collector and Magistrate is stationed at Manantoddy (where there is also a Tahsildar Sub-Magistrate on Rupees 200) and exercises the powers of a District Munsif. At Vythery there is a Deputy Tahsildar and Sub-Magistrate and District Munsif on Rupees 125 and the same at Goodaloor.

8. It is proposed to place the Deputy Collector temporarily at Vythery as an experiment, in which case it will be necessary to give District Munsifs' powers to the Tahsildar at Manantoddy and to withdraw them at Vythery either from the Deputy Collector or from the Deputy Tahsildar. If the Deputy Collector and Magistrate be vested with the full powers of a Small Cause Judge for specified periods in each year, it would seem proper in any case to withdraw from him the minor Small Cause jurisdiction.

9. But before coming to any decision on this point of the station for the Deputy Collector and Magistrate, which will necessarily involve some change in the powers of other officials in the taluq, the Governor in Council requires to have before him full information as to the amount of work which now devolves on each of these officers. The Collector of Malabar is, therefore, requested to submit returns in a tabular form for the last two years of the work performed by each of the officers concerned, *viz.*, the Deputy Collector and Magistrate, the Tahsildar and Sub-Magistrate of Wynaad, the Deputy Tahsildar and Sub-Magistrate of Vythery, and the Deputy Tahsildar and Sub-Magistrate of Goodaloor in the Revenue, Magisterial, and Judicial Departments, distinguishing in the last case the ordinary and summary jurisdiction.

10. It is observed that the Collector would select Sultan's Battery for the Deputy Collector and Magistrates' station, but suggests that, for the experimental

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transfer from Manantoddy, Vythery should be selected as accommodation can be hired there. The Government observe that whether Manantoddy be maintained or not, as the head quarters, the expense of building an office and residence has to be incurred.

(True Extract.)

W. HUDLESTON,
Chief Secretary.

To the Collector of Malabar.

- „ District Judge of North Malabar.
- „ Commissioner of the Neilgherry Hills.
- „ Revenue Department.
- „ Honourable the Judges of the High Court.
- „ Board of Revenue.

Nº 61.

Consol. of 1873

JUDICIAL.

To

THE COLLECTOR OF MALABAR,

Secy.

Assy.

Asst.

Dated July 1873.

Recd.

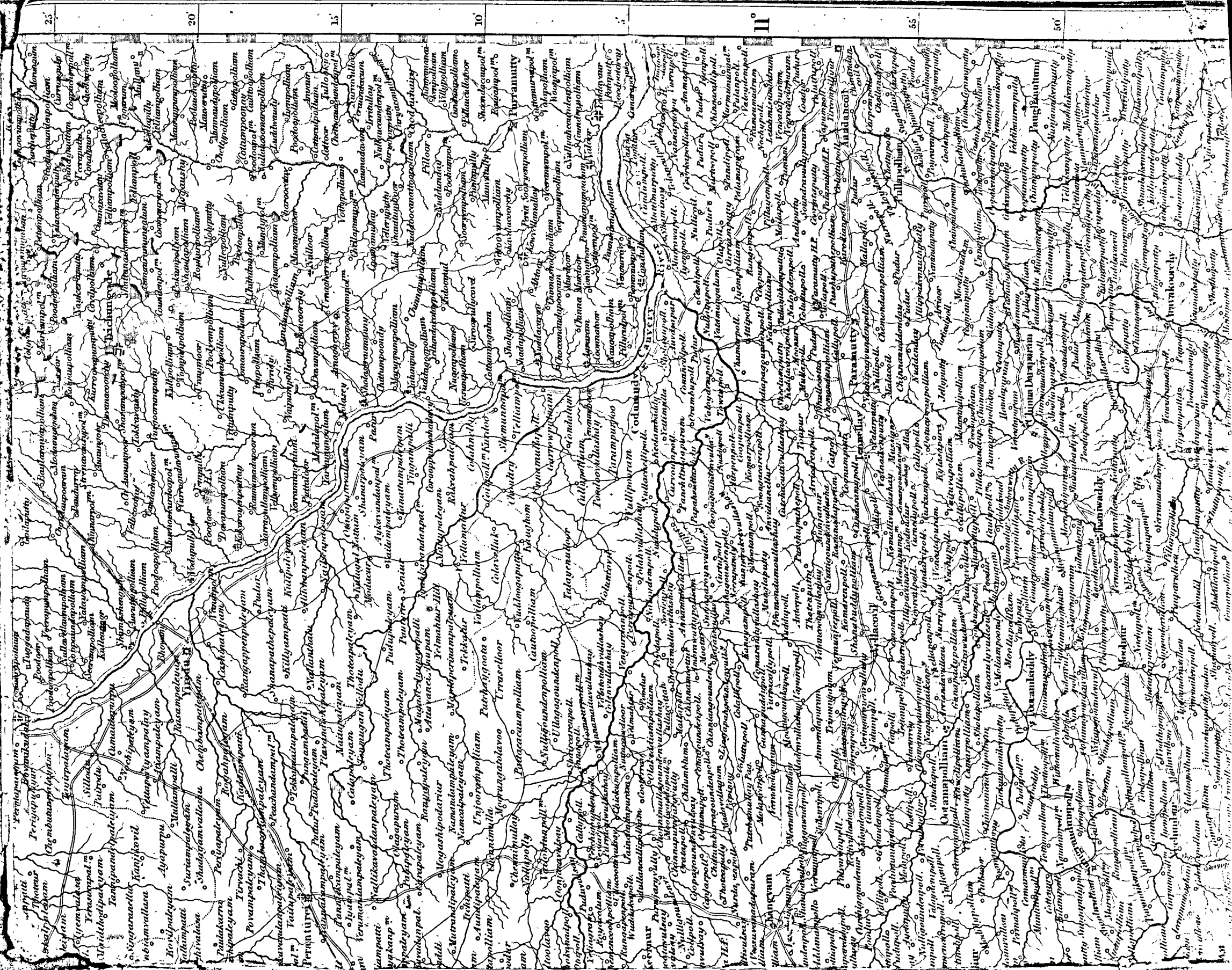
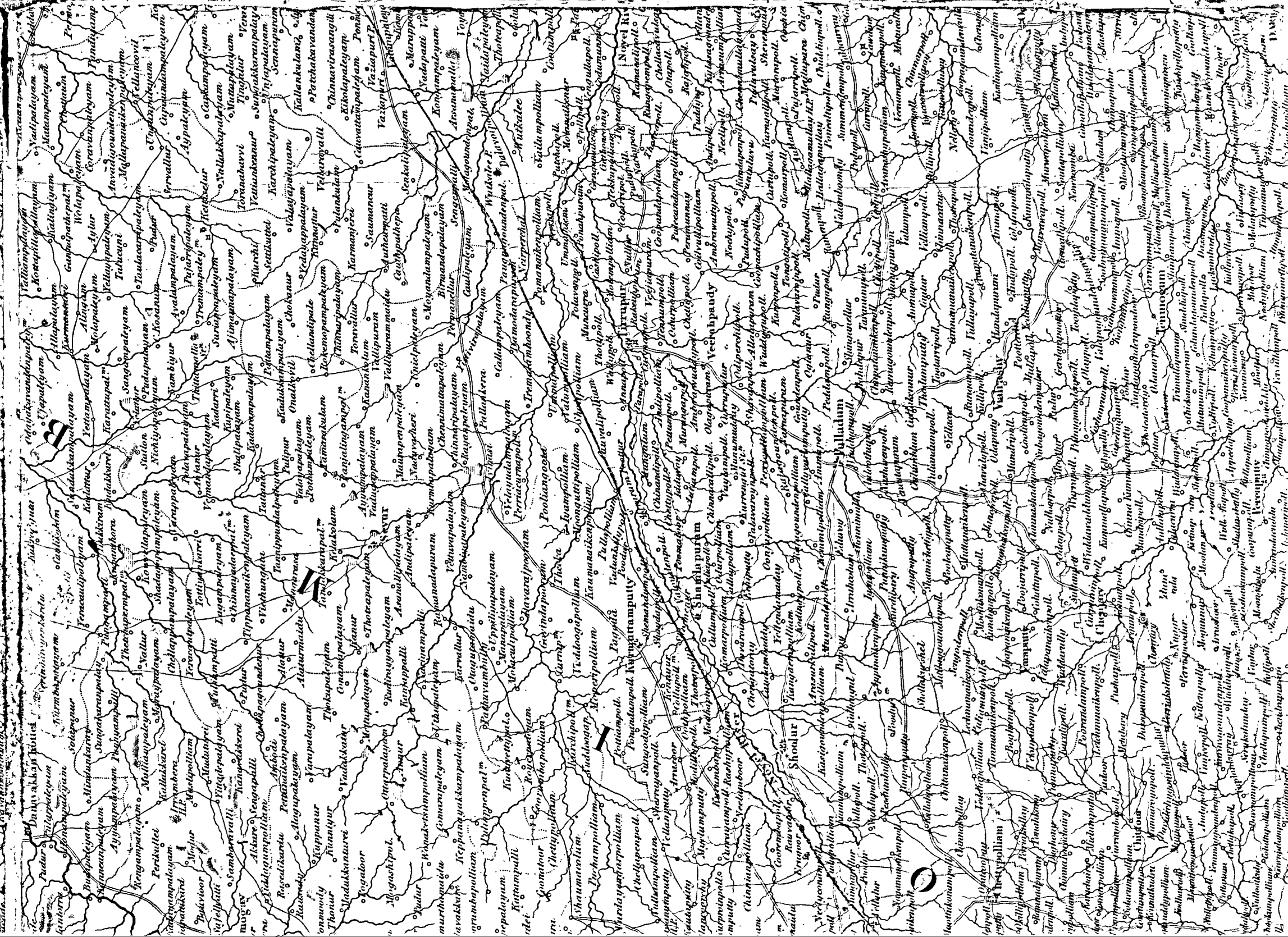
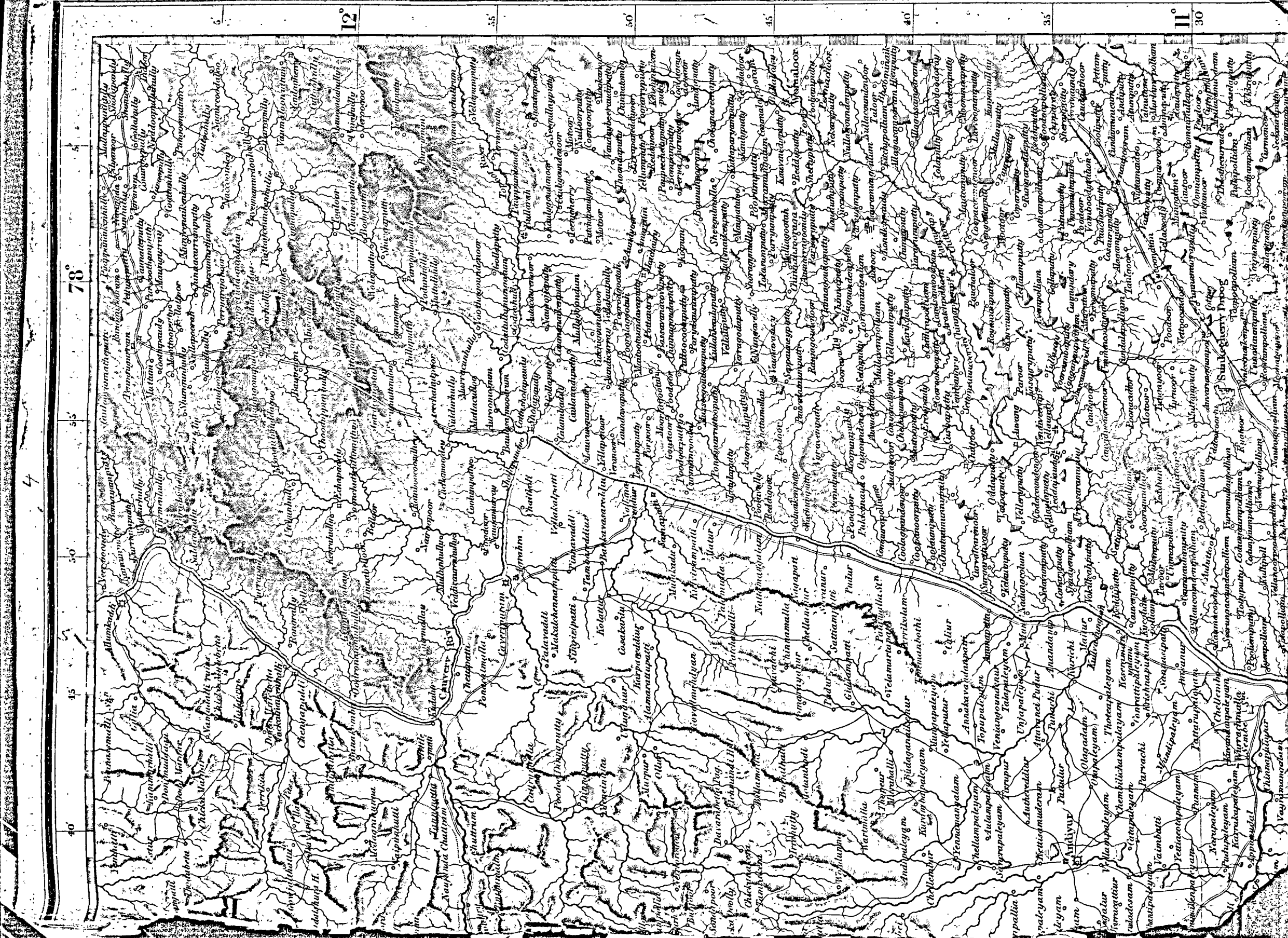
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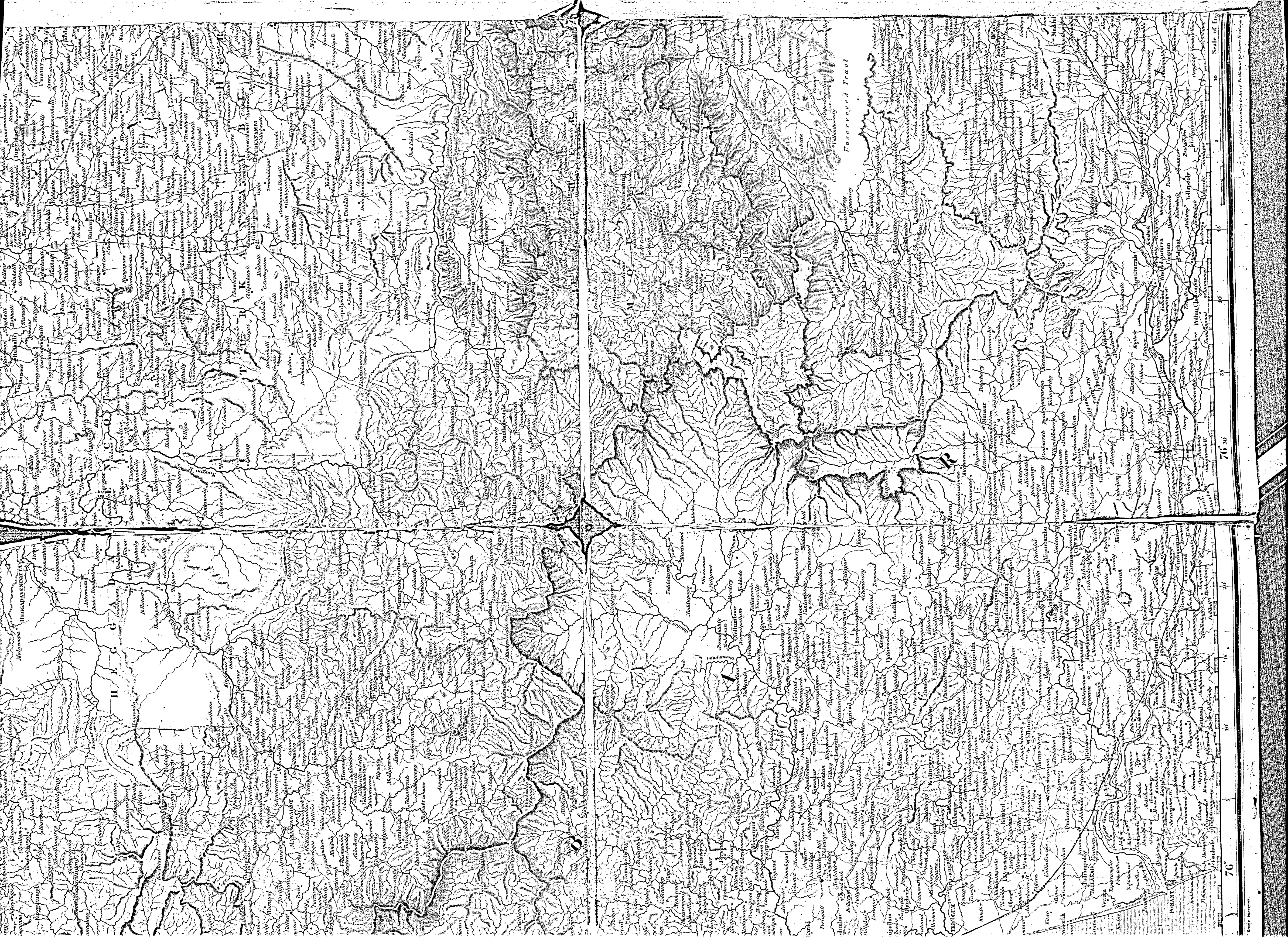
G. O., 15th July 1873, No. 1037.

JULY.
Nos. 72-76.

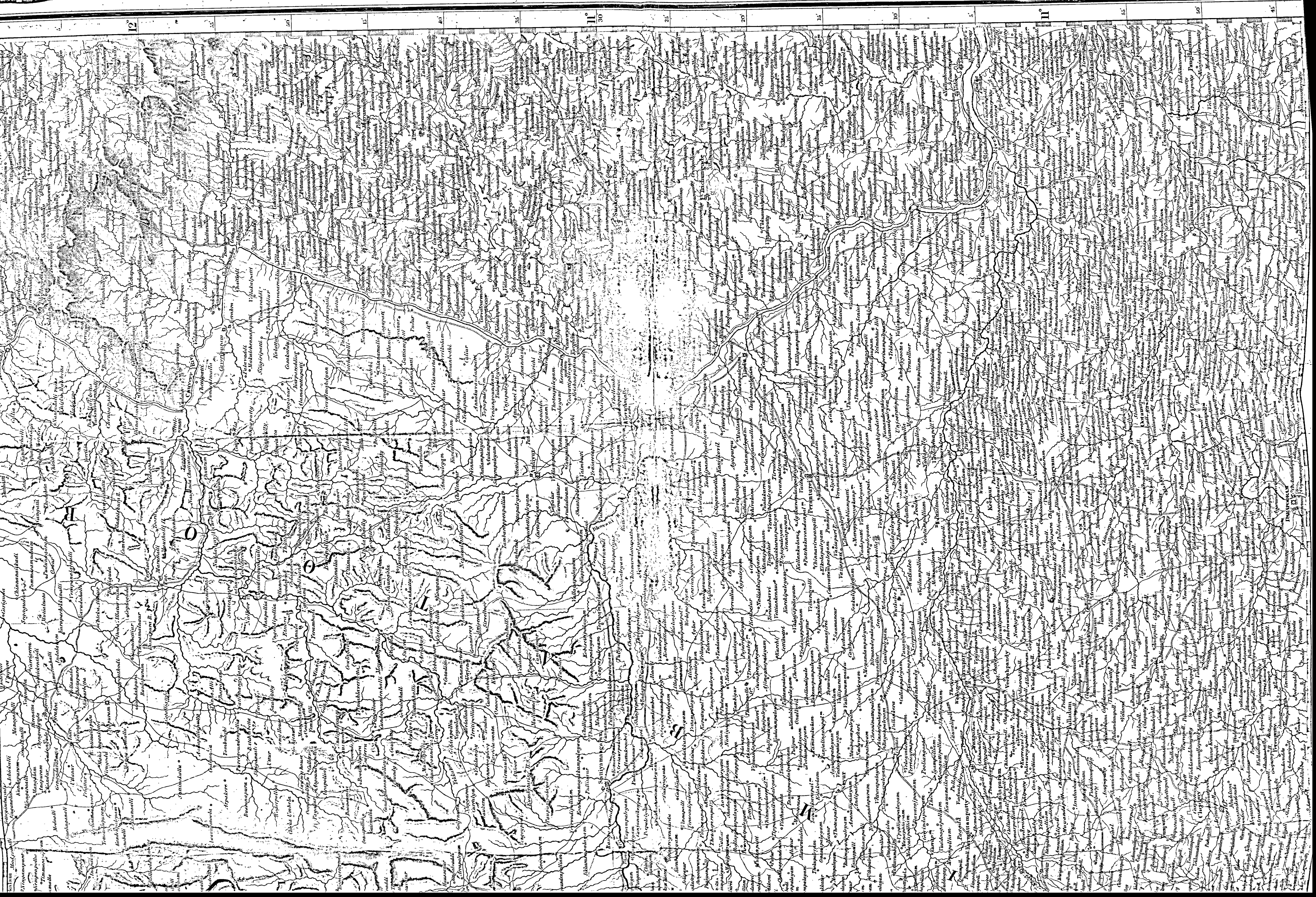
Hyderabad—The transfer of Oudhery Valley to the jurisdiction of the Commissioner for the Neighbourhoods approved, and a report called for respecting the exclusion of Wynaad from its jurisdiction of the Small Cause Court at Tellicherry; the investiture of the Deputy Collector and Registrar in charge of the taluk with the full powers of a Court of Small Causes under Section 15, Act XI. of 1865; and as to the amount of work to be done during the last two years by the Deputy Collector and Magistrate and the Magistrate of Wynaad, Tellicherry, and the Collector of the Reserve, Malabar, and the District of Cochin.

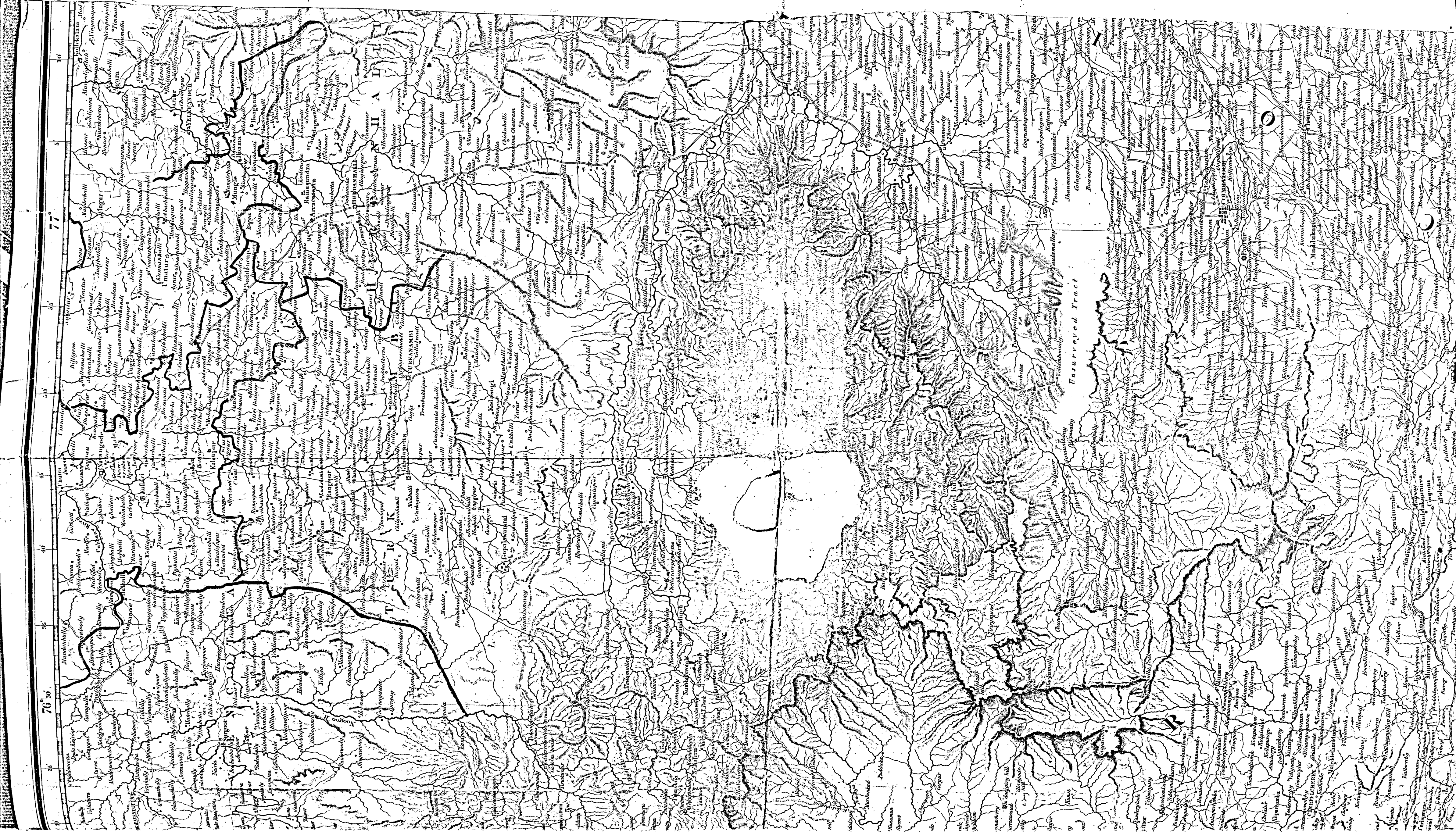
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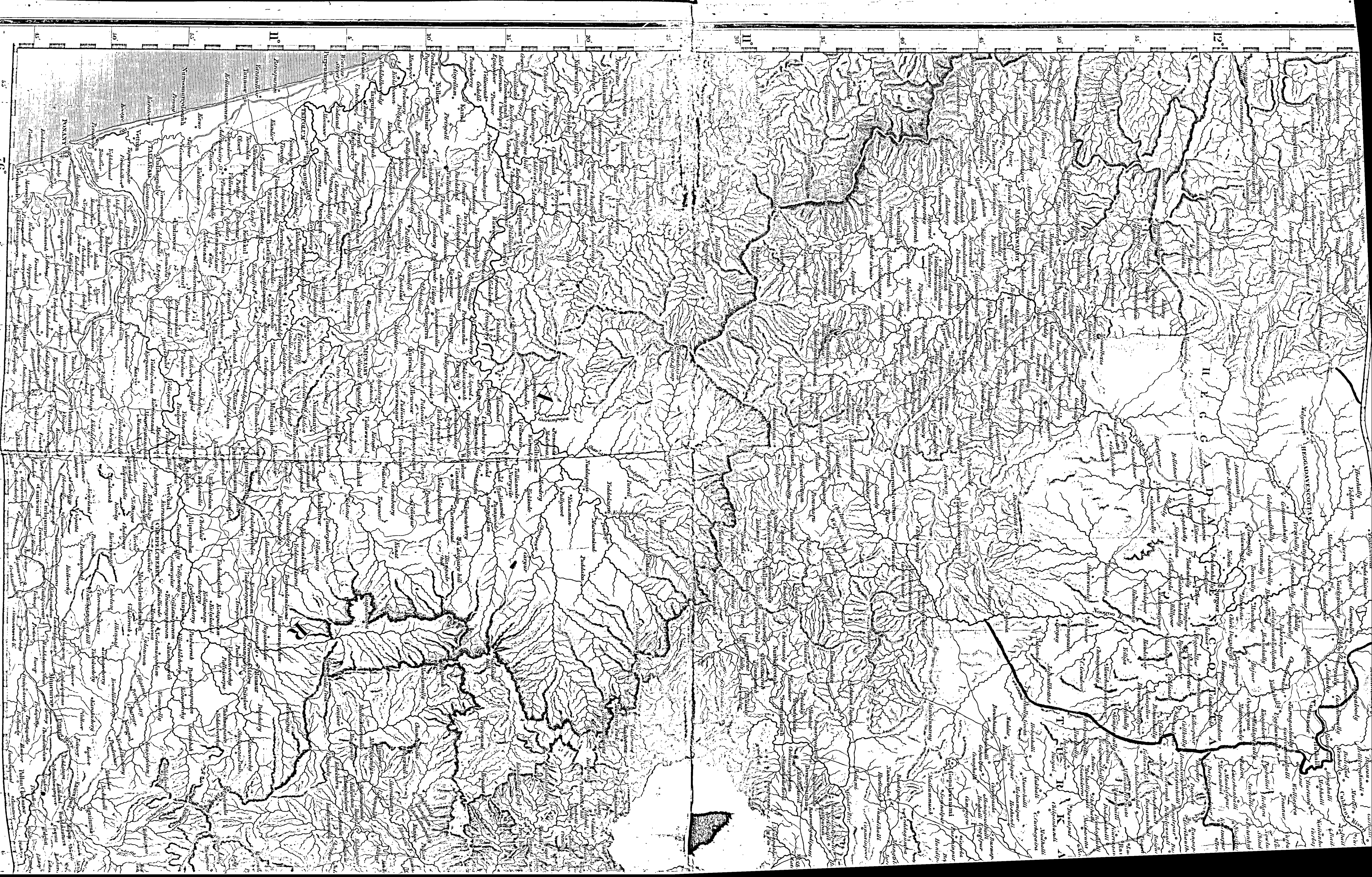




U.S. 100-1099-7 is July 1975 - June 1976







S.O. Wt. 1097.27 is the July 1873. Just 28.17.

Received of J. C. Johnson
the sum of \$100.00
for the purchase of the
land in the above
section.

No. 61

Sketch maps retained
for the Controller of the land.
J. C.

with a power to his honor
letter of the 5th July
would sanction the transfer
as an improvement of the head-
quarters of the Deputy Collector
from ~~Manantlay~~ to by the way
it will add to the District
within the jurisdiction of
the Commissioner of the
highway bills.
~~Practical reasons~~ he cannot
as he has shown to invest the
Deputy Collector with small
cause jurisdiction beyond
Rs 50, and this he can
only increase if he retains
the position of District
himself. The best plan
I think will be to absorb
the small cause jurisdiction
in District beyond
Rs 50, and add the
high court & magistrate

the local jurisdiction of the
Municipal Council as the
removal of the Deputy Collector
to Vythery.

A.A.

The administrative arrange-
ments of Mysore are radically
bad.

At Mannantolgi we have a
Sub. Col. & Magistrate & District
Mr. Underwood - and also
a Sub. Col. on Rs. 200. - who
is also a Sub. Magistrate but not a
District Magistrate.

At Vythery we have a Sub. Col.
Sub. Col. who is also Sub. Magistrate
& District Magistrate on Rs. 125. and the same
at food store.

The chance of these ^{last} two officers

being fit to exercise the powers of Dist.
Magistrate & Sub. Col. seems to me very
small. - Their powers, I think, state are
the land having no revenue - up to 100 Rs.
annual value

" " " revenue - 1000 Rs.
Other real property up to 1000 Rs. value
Money is 50 Rs. without a head
1000. ordinary jurisdiction.

If the Deputy Magistrate is moved
to Vythery - and this for present
administrative purposes is certainly
the best place - then the District
at Mannantolgi must have
of the powers conferred on him
& these powers must be in the
- drawn from the Deputy District
at Vythery - like the former
can do this & to a large extent is no
where stated - In fact he has
nothing before us of the work of
any of the men. I would call for

of South East Wynnad
and the Native inhabi-
tants of North Wynnad
respectively.

2. The planters of South
East Wynnad petitioned
Government to attach
these districts to the
Neilgherries. The Govern-
ment considered that the
inclusion of the whole
of South East Wynnad
would entail absence of
longer duration on the
part of the Commissioner
from his head quarters
than would be compati-
ble with the punctual
performance of his duties,
and proposed as an ex-
perimental measure to
extend the limits of the
Commissionership

Commissionership to the
road which runs from
Wippocandoo to the top
of the Garkoor pass in-
cluding some of the es-
tates at Goodaloor and
the whole of the Ouch-
terlong Valley.

3. This proposal was
referred to the Com-
missioner of the Neilgher-
ries and the Collector of
Malabar for joint report.
These officers report that
the annexation of the
Ouchterlong Valley to the
Neilgherry District is most
desirable, the valley being
almost cut off from
Malabar, whilst it is with-
in easy reach of Ootaca-
mund; the estates there,
being in the possession
of

of European planters and
capitalists, the majority
of whom desire the change,
and the Native inhabitants
being settlers who have re-
sorted there for employ-
ment.

4. They object, however,
to the plan proposed by
Government as far as it re-
lates to the transfer of
Goodaloor. The feeling
against the transfer on
the part of the merchants
and petty traders resident
there, is reported to be
very strong. The work
connected with the town
alone would be insufficient
to warrant the maintenance
of a Sub-Magistrate, whilst
it would be more than
could
be done.

could be imposed on the
Commission. Moreover
the peculiar circumstances
of the town required
that there should be a
resident Magisterial
Officer, many of the most
important cases being con-
nected with travellers or
goods in transit. They
further point out that
the transfer of Goodaloor
would lead to difficulty in
administering the adjoining
country, as there is no other
suitable position for a Sub-
Magistrate's Court or Police
Station in that part of
Wynaad - whilst a portion
of the District of South
East Wynaad, left in
Malabar, would be too
distant from Vytherry.
They

5. They propose, therefore,
the transfer of the Cuck-
terlong Valley only, and
forward a map showing
the boundary lines pro-
posed by Government, and
recommended by themselves
respectively. They have
adopted the line known
as Richardson's line
which was maintained
in the recent suit between
the Nellore Rajah
and Government as the
extreme Southern limit,
beyond which no Malabar
Jumma title exists or
ever existed. The estates
to be transferred under
the proposed arrange-
ment are 17 in number
3213 acres in extent and
paying Rs 6,426 to Government.
See

In explanation of their
recommending a line having
no connection with what is
called the Cuckterlong estate
they remark that the
alleged boundaries of that
property are challenged on
all sides, and ~~considered~~ ^{unsuited}
to form the boundary of
two districts.

6. The Board consider
the line proposed by
Messrs Brecks and Macg-
regor to be preferable to
that suggested by Government,
but observe that the con-
cession which will be
given to the planters,
who submitted the petition,
will be very small [no
mention is made of the
number of natives who
would be affected by the
transfer of the tract ~~area~~
= ^{fixed}

specified
by the South East
Wynnad planters.]

7. In connection with
the change of the Boundary
line, the Government
proposed that South
West Wynnad and that
portion of South East
Wynnad which will re-
main included in the
Malabar District should
be placed under an Asst.
Collector or a Dy. Collector
to be stationed at Vythery,
who would also exercise
the powers of a District
Munsiff with Small Cause
Court jurisdiction up to
Rs 50, the whole of the
Wynnad taluk being thus
divided between two Dy-
Collectors one to be station-
ed at Mannarkoddy and
the

the other at Vythery. The
Board report that they
know of no district from
which a Dy. Collector can
be spared for employment
at Vythery.

8. The petition from the
Native inhabitants of
Wynnad brings to notice
the grievances to which
they are exposed by the
operations of the Small
Cause Court of Tellicherry
on which the Government
remarked that the wishes
of the petitioners might
be sufficiently met, if
Wynnad were withdrawn
from the jurisdiction of
the Small Cause Court
of Tellicherry, and ^{all} ~~such~~
suits now tried by that Court
~~suits~~ made triable as
ordinary suits by the
Deputy

8. Deputy Collector of Manam.
today in his capacity
of District Munsiff.
to enable him to perform
the extra work which
would devolve upon him
under this arrangement,
it was proposed to confine
his Local jurisdiction
as a Magistrate and
Revenue Officer to the
seven amshams over which
his jurisdiction as District
Munsiff already extends,
his jurisdiction as a Magis-
trate and Revenue Officer
over the rest of the Wynauds
being transferred to the Dy.
Collector to be stationed at
Vythiri, as proposed in the
same order.

9. With reference to
the ^{above} ~~proposed~~ arrangements
the

The Judges of the High Court,
who were consulted, re-
mark that they are not
in a position, for want of
information, as to the num-
ber of Native inhabitants
in that portion of South
East Wynaud, which it
is proposed to transfer
to the Neilgherries & as to
the number of suits institut-
ed by or against them, to
give any decided opinion,
but that, provided suitable
arrangements are made
for holding periodical Courts
at Goodaloor, no real hard-
ship is likely to result. They
are further of opinion that
the abolition of the juris-
diction of the Small Causes
Court at Pellierry over
the Wynaud is a proper re-
medy for the abuses com-
plained

=plained of and that ^{July}
qualified officers at Mannan-
toddy and Vythery exercis-
ing the ordinary powers
of a District Munsiff and
full powers of a Magistrate
should satisfy present
requirements.

10. Mr. Underwood, in his
deputy official memorandum
=dum, suggests that the
whole of the Wynnad
Taluk should be under
one Dy. Collector, whose
head-quarters should be
Calputty, as being more
central than any other
position. That the Dy.
Collector and Sub-Ma-
gistrate should also be
invested with Small
Cause Court jurisdiction
over the whole Wynnad
up

up to the full extent of
Rs 500-, a small addition
to his pay being sanctioned
in consideration of the in-
crease of work. That
the Tahsildar and 1st
Class Sub-Magistrate
at Mannanoddy should
be invested with Munsiff's
powers. There being also
a Dy. Tahsildar and 1st
Class Sub-Magistrate with
Munsiff's powers at both
Vythery and Goodaloor.
This is the very arrange-
ment proposed by the
petitioners in para 13 of
their petition as a remedy
for the existing state
of things.

11. The points for decision
are briefly:
1st Whether any alteration
of

of the boundary between
the Neilgherries & Wynnad
is desirable. If so whether
the Oucherlong Valley only
should be annexed to
the former district or a
portion of South East
Wynnad also.

2nd Whether the juris-
-diction of the small
Cause Court of Tellicherry
over the Wynnad should
be annulled.

3. Whether any altera-
-tions are desirable in
regard to

- the number of officers
charged with the admini-
-stration of the Wynnad.
- their powers, Magisterial
and Judicial.
- their head quarters.

CCB.

I think the boundary
proposed by Messrs. Bricks
& Maqregor should
be adopted experimentally -
I would attempt it finally
A.A.

I would accept the annu-
-mentation of the High Court
and withdraw the jurisdiction
over Wynnad from the small
Cause Court at Tellicherry
A.A.

Nevertheless I think it is
likely that the High Court
will be able to manage the
proposed increase of the
powers of a District Magistrate
and the powers of a Magistrate
should be sufficient for the present wants of the
inhabitants of the Wynnad. -
The Civil Magistrate at Manantoddy & Vythiri
& Goodaloor even with the addition
of a small number of suits between 50

with full Magisterial
powers. -

As it is evident that the
sub Magistrate who does
not possess the powers of a
District Magistrate must
be retained, I should be
disposed to it with a
magistrate at Vythiri
& a sub Magistrate at
Goodaloor. I should be
disposed to increase of charges. I
should be inclined to accept
the arrangement suggested
by Mr. Blackwood (concerning
the proposed increase of salaries)
provided that the existing
arrangement is not
annulled and to be content
with one District Magistrate
at Vythiri (Magistrate) dividing
the work at Vythiri & Goodaloor
the whole of the sub Magistrate
whereas in 3 other sub Magistrate
A.A.

and 500 Rs. in future to be
treated as ordinary suits, will
not be overworked.

The only change necessary
seem to be the location of
a Deputy Collector at Vythiri.
The Board say they know
of no such office being available
but it seems desirable that
a qualified officer should
be posted at Vythiri temporarily
until it can be seen how
the proposed arrangement
will work.

Goodaloor being excluded
from the boundary proposed
by Messrs. Bricks & Maqregor
the sub Magistrate stationed
there will not be moved.

I concur as to the transfer of the smaller long valley only - up to Richardson's boundary to the Neilybaries. It is not all that is asked but is evidently as much as can be conceded.

I would transfer the S. C. jurisdiction now vested in the C. J. of Tellicherry in the District of Magistrate of Wynad. who may be I think to receive some extra remuneration for the extra work.

I do not see the need of any other changes at present. Nor have we funds for any.

L. D. S.

22/5/71
23/5/71
24/5/71

Govt. of 1871
 Nos. 187, No. 188
 Dated Recd.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Pres. of Govt. 23rd May 1871

Read the following letters

- From the Registrar of the High Court. - 27th 16 June 1871, N^o 1060.
- From the Commr of the Nilgiris 27th 23rd Jan'y 1872 - N^o 8.
- From the Collector of Malabar 27th 16 Feb'y 1872
- From the Board of Revenue. 27th 11 April 1872 N^o 1882
- From the Commr of Malabar. 27th 5 July 1872. N^o 36.

Order thereon. 15 July 1873. N^o 1097.

The Governor in Council approves the proposal to transfer to the jurisdiction of the Commissioner of the Nilgiri Hills the tract known as the 'Black Country' valley within the boundaries settled by Messrs. Macgregor & Breckinridge viz, the demarcated line known as 'Richardson's line' from the P. K. a. river to the rock known as the Arata Para, and thence following the stream

L. D. S.

stream running into the
Karkhor river and the
river itself to the crest
of the Ghat, and so along
the crest of the Ghat to
the Nilgiri peak. Under
Section 1 Act I of 1868,

Madras, he resolves to
direct that the tract so
defined be included in
the jurisdiction of the
Commissioner of the
Nilgiris with effect
from 1st September 1873.

2. The other points raised
in the Proceedings of 23rd
May 1871 were as to the
advisability of with-
drawing the Wynaad from
the jurisdiction of the
Small Cause Court at
Tellicherry, leaving the
suits above Rs. 50
value that might arise
there to be tried in the
District Munsifs Court
in the Taluk - and

26 -

re-distributing the Revenue
and Magisterial charges
of the taluk between two
officers of the Class of
Deputy Collector with the
powers of a District Moun-
siff superadded.

3. The High Court were
in favor of the withdrawal
of the taluk from the
jurisdiction of the Tel-
licherry Small Cause Court,
but that Court has since
been abolished altogether
and the jurisdiction of
District Mousiffs has
been extended to suits
of value not exceeding
Rs. 2500 while the Sub-
Judges (formerly Princi-
pal Sudder Amiens)
have been invested with
Small cause jurisdiction
up to Rs. 500.

4. The Governor in
Council is not certain
whether the Wynaad taluk

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is included within the local limits of the Tellicherry Sub Judge, but assuming that it is so, it will be advisable to exclude it from his Small Cause jurisdiction. On this point the Acting District Judge of North Malabar will be directed to report.

5. The Governor in Council is not satisfied that necessity exists for creating at present in the Wynad circuit having the full powers of a Court of Small Causes, i.e. above Rs 50 to which amount they are exercised by the District Munsifs - but Sec. 15, Act 11 of 1865 would seem to allow of these extended powers being vested in the Deputy Collector & Magistrate in charge of the Taluq for

for specific periods in each year. Should such an arrangement be deemed advisable and it will be open to the District Collector of Malabar to bring forward proposals on this point if he thinks the arrangement necessary.

6. There remains the question as to the future station for the Deputy Collector & Magistrate as the inclusion of the Pookherlong valley in the Nilgiri District renders the employment of an additional officer of this grade unnecessary.

7. At present the Deputy Collector & Magistrate is stationed at Manau-toddy (where there is also a Tahildar Sub Magistrate on Rs 200) and

26
and exercises the powers
of a District Munsif.
At Vythery there is a
Deputy Tahsildar and
Sub Magistrate and Dis-
trict Munsif on Rs. 125
and the same at Gudalur.

8. It is proposed to
place the Deputy Collector
temporarily at Vythery
as an experiment in which
case it will be necessary
to give District Munsifs
powers to the Tahsildar
at Manantoddy and to
withdraw them at Vythery
either from the Deputy
Collector or from the De-
puty Tahsildar. If
the Deputy Collector and
Magistrate be vested
with the full powers
of a Small Cause Judge
for specified periods
in each year, it would
seem proper in any case
to withdraw from him
the

the minor Small Cause
jurisdiction. 37

9. But before coming
to any decision on this
point of the station for
the Deputy Collector and
Magistrate, which will
necessarily involve some
change in the powers of
other officials in the
Taluk, the Governor in
Council requires to have
before him full infor-
mation as to the amount
of work which now
devolves on each of
these officers. The Collector
of Malabar is therefore
requested to submit re-
turns in a tabular
form for the last 2
years of the work per-
formed by each of
the officers concerned,
viz. the Deputy Collector
& Magistrate - The Tah-
sildar & Sub Magistrate
of

of Wynaad. The Deputy
Tahsildar and Sub Magis-
trate of Vythery and the
Deputy Tahsildar and
Sub Magistrate of Gudalur
in the Revenue, Magiste-
rial and Judicial De-
partments, distinguishing
in the last case the ordi-
nary and summary
jurisdiction.

10. It is observed that
the collector would select
Sultan's battery for the
Deputy Collector & Magis-
trate's station, but sug-
gests that for the experi-
mental transfer from
Maunautoddy, Vythery
should be selected as
accommodation can be
hired there. The Govt.
observe that whether
Maunautoddy be main-
tained, or not, as the
Head quarters, the
expense of building an
office and residence has

22
to be incurred -

29
11

- for the collector of Malabar
- District Judge of Malabar
- Commisary of the
Nilegiri Hills.
- Revenue Department
- Ample to judge of the
High Court
- Board of Revenue
- 6784 Sept 1884

