M.R.O. —7,000—8-6-31.

283/

(1) Number of pages 208

(2) Date of repair 1939

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 601–602 Press / Mis.

Dated 8th March 1871.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

8th March 1877, No. 601.

Wynaad.

Read again the following papers:—

Letter to Government of India, dated 25*th November* 1876, *No.* 2443, *and reply dated* 29*th Jan.* 1877, *No.* 17, *recorded in G.O., dated* 16*th February* 1877, *No.* 423.

Proceedings of Government, dated 23*rd May* 1871, *No.* 689, 15*th July* 1873, *No.* 1097, *and* 28*th December* 1874, *No.* 2357.

Read also the following papers:—

No. 38. *From W. E. SCHMIDT, Esq., to the Officiating Chief Secretary to Government, dated Ootacamund,* 1*st October* 1875.

I have the honor to forward, herewith, a Memorial from the Planters of South-east Wynaad, and to solicit the favor of your laying the same before His Excellency the Governor in Council (if possible *to-day*).

2. A copy of this memorial is yet in circulation. It will contain several signatures in addition to those in the accompanying memorial, and I shall forward it to you as soon as I receive it.

ENCLOSURE No. 1.

To

HIS EXCELLENCY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL,
Ootacamund.

The Petition of the undersigned Planters and Land-owners of South-East Wynaad.

HUMBLY SHEWETH,—That the question of annexing South-East Wynaad to the Nilgiris has been one which has agitated the Planters in that locality for many years past. It was proposed to annex the District and the Ouchterlony Valley, but for reasons which were never made public, the Valley only was added to the Nilgiris, the South-East Wynaad District continuing in the Collectorate of Malabar. Last year, on the occasion of the visit of the late lamented Governor Lord Hobart to the Wynaad, two petitions were presented to him—one from the Wynaad Planters' Association, which was signed by some of the South-East Wynaad Planters, praying for the appointment of a Deputy Collector and Magistrate to the Wynaad, and the other from the rest of the South-East Wynaad Planters, praying that South-East Wynaad might be added to the Nilgiris, and not asking for an addition to the existing administration at all. The latter petition, from a misunderstanding, was returned to the signatories by the Collector of Malabar, as informal, and it was then sent on to the Government by post. No answer was received to it. Subsequently a fresh petition, signed by the greater number of the Planters in the South-East Wynaad District, was presented to Government, who were pleased to answer it in the following words: "The memorialists will be informed that His Excellency in Council has fully considered their proposal for the annexation of South-East Wynaad to the Nilgiri District, and must decline to accede to it."

2. That your present petitioners represent the whole of the landed interest in the district, with a few exceptions, and they venture to approach your Excellency with a renewal of the prayer contained in the rejected petition. Your petitioners need not repeat the reasons for annexation put forth in that document, but they append a copy of the paper to the present petition.

3. Your petitioners have here to remark that in reply to the petition adverted to above from the Wynaad Planters and part of your present petitioners, the Government were pleased to promise the appointment of an additional Deputy Collector and Magistrate, at a cost per mensem of at least Rupees 400. The Officer has not yet been nominated, but when appointed, he will be stationed at Maypady, a distance of thirty odd miles from South-East Wynaad. To the Planters in that district, such an Officer would not be so effective as the more experienced Officers at Ootacamund, which is only twenty-five miles from the South-East Wynaad. Your petitioners respectfully represent that they ought not to be driven to an inferior Court at Maypady when superior Courts are no further distant from their homes. Furthermore, they beg to draw particularly to the notice of your Excellency in Council the fact that, if their prayer is granted, the extra expense involved in the appointment of an additional Deputy Collector and Magistrate will be saved, as such an officer will not be wanted.

4. Your Excellency in receiving lately a deputation from the Residents and Planters on the Nilgiris with reference to the reduction of the office of the Commissioner, remarked that your Excellency had, in 1858, helped to settle the question of the annexation of the South-East Wynaad to the Nilgiris, and that as long as your Excellency had any voice in the Government, it should be exercised in maintaining that settlement. Your petitioners are not aware of the reasons which influenced your Excellency in 1858. They have understood that the Government is of opinion that the annexation of South-East Wynaad to the Nilgiris would bear hardly on the cultivators of paddy in the district, who would be forced to the Nilgiri Courts, situated in a climate not suited to them.

5. Your petitioners observe that the difference between the climate of Ootacamund and South-East Wynaad is less than the difference between the temperature of Calicut and South-East Wynaad, and submit that on the point of climate the objection urged does not apply.

6. In 1858 annexation would have been transfer from one overburdened district to another, and disadvantageous as interposing a high mountain range between the inhabitants of South-East Wynaad and Coimbatore. This objection does not now apply.

7. But in 1858 the Native cultivators of paddy were the largest landholders in South-East Wynaad, and their interests were then naturally paramount. The position has now entirely changed. The Native cultivators hold 2,000 acres of land; planters occupy more than 30,000 acres. Their interests have become paramount. Your petitioners representing them all submit that their wishes have come to have a preponderating right to the consideration of Government.

8. As long as the present arrangements subsist, your petitioners who, they beg to remind your Excellency, have been induced to settle in the district on the understanding that every encouragement would be offered to their enterprise, have not Courts at hand on which they can rely for the despatch of business, and the contemplated arrangements of a Deputy Collector at Maypady will not improve their position. The additional arrangements being obstructive to your petitioners' interests, will operate,—as the existing arrangement operates—to deprive your petitioners of the advantage of connection with the Nilgiri District, which may be easily secured, and to which they submit they have a right, and in consequence to retard the development of the South-East Wynaad, to the injury of your petitioners, and therefore to the injury of the State.

9. Your petitioners pray, in conclusion, for the annexation of South-East Wynaad to the Nilgiri Hills, with the respectful request that if Government adhere to the resolution expressed by your Excellency, this petition may be forwarded to the Supreme Government, and, if necessary to the Right Honorable the Secretary of State, for consideration.

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

(Signed) JOHN WILLIAM MINCHIN, and others.

TO THE HON. D. F. CARMICHAEL,
Offg. Chief Secretary to Governme

SIR,

We, the undersigned, respectfully request you will the following letter before His Excellency the Governor in Council, for favorable considera

During the late administration a Deputation of Plante ted on Lord Napier and Ettrick praying for the annexation of South-East Wynaad to the giri District. For reasons with which we are unacquainted the prayer was not granted.

The grounds on which the prayer was based have sin come more urgent, owing to the advancing prosperity of South-East Wynaad.

They are:—

(1.) That South-East Wynaad is in proximity to Ootac d, and is far distant from Calicut.

(2.) That if South-East Wynaad were annexed to Nilgiris, the Planters, many of whom reside at, and most of whom visit Ootacamund constar y, would have easy access to the Chief Officer of the District; and that as long as South-East Wynaad remains attached to Malabar, the planters are deprived by distance from access to the Chief Administrative Officer.

(3). That South-East Wynaad naturally belongs to the Nilgiris, inasmuch as supplies for the Estates come through Ootacamund, and all monetary transactions are conducted through the Bank there.

(4.) That the Subordinate Officers would be under close supervision than can be the case when the Chief Officer resides so far off as Calicut.

(5.) That it would be a boon to have the Chief Registration Office at Ootacamund.

(6.) That owing to the distance from Calicut the Planters have no influence in the Local Fund Board, and the roads in South-East Wynaad according do not receive proper attention.

These grounds for annexation have already been laid before Government, in a Memorial recently despatched to His Excellency in Council by post. We venture now to urge their importance. The memorial would have been laid before His Excellency during his late tour had it not been for circumstances into which it is not now necessary to enter, and which led the Collector of Malabar to decline to undertake its presentation. We respectfully represent that annexation to the Nilgiris would not result in increased public expenditure. All we should ask would be an increase of powers to the Sub-Magistrate at Gudalur, to enable him to dispose of all unimportant cases. In appeals we should have no difficulty in attending in person at Ootacamund. Appeals carried to Calicut cannot always have the personal attention of the Appellants, owing to the difficulty and expense of reaching that place from South-East Wynaad; and this circumstance deprives Planters of the sense of security they venture to think they have a right as loyal subjects to expect at the hands of Government. With a Sub-Magistrate at Gudalur under the supervision of the Chief Officers, living so near as Ootacamund, the Planters would have all the security and legal facility they desire. At present not only is the delay in obtaining justice great, but distance makes it expensive and fatiguing to procure at all.

Another important disadvantage in the present arrangement is that the Collector of Malabar has so overgrown a territory to administer that press of work makes him difficult of access, and causes delays which are, in all but the most important matters, tantamount to denial of any justice at all. If our prayer was granted the present Deputy Collector of Wynaad might be located in the most convenient position for the North and South Wynaad Districts.

These are the reasons we venture to press for annexation. We suppose they will become more and more forcible every day, and will be overwhelming if the gold enterprise now beginning is successful, as it promises to be.

Our reasons for coming before His Excellency as men Planters are that if the facilities we solicit are granted, more land will be put under cultivation than at present, and already the Coffee interest is the largest in the Madras Presidency, except cotton.

In conclusion, we record in the margin the estates in which we have an interest in South-East Wynaad. Amongst us we own 30,000 acres of land, of which 3,200 acres are under cultivation.

Note.—Not given in the origin

We have the honor, &c., &c.

No. 39. *Minute by the Honorable Sir W. ROBINSON, K.C.S.I., dated 2nd October* 1875.

My Honorable Colleagues have decided to bring this petition on record.

2. I now venture to submit that I most earnestly deprecate any reopening of the interested proposal it contains, which have already been three times* carefully examined and as often deliberately rejected by Government, because any transfer of jurisdiction is opposed to the interests of the proprietors and people of the tract in question, and because it is inexpedient from an administrative point of view. Reiterated and fruitless agitation of this kind is most impolitic and cannot fail to have a prejudicial effect on the sensitive populations of Malabar. No new argument whatever is advanced.

* In 1857-58.
1870-71.
1874-75.

3. As an expression of the local popular feeling within the tract, the petition deserves no attention. I have had the English Signataries (thirty-three more or less) carefully analysed by the Collector of Malabar and local officers. Five neither own nor manage estates within the tract; the sphere of their management lies in the Ouchterlony and Moyar Valleys attached to the Nilgiri District. Twelve† only have estates covering about 1,900 acres, and nine are paid servants of others who superintend about 900 acres of Coffee Estate—not one of whom has produced authority to sign such a petition from his principal. Six are either unknown or no longer have properties in the district. The majority of these European Signataries are resident in Ooty, where several have shops. Of the twenty-five to thirty foreign Tamil and Hindustani Native Signataries, one‡ only appears to be connected with cultivation in the district; the rest are estate-clerks and domestic servants of European Signataries, Rowters, Shopkeepers in Gudalur, &c., two are unknown women, three are local butchers; one is a peon in the Commissioner's Office at Ooty.

E. Fernandez, Superintendent of Estate in Ouchterlony Valley.
A. W. Wright, Superintendent of Estate in Ouchterlony Valley.
H. Wapshaw, Manager of Estate in Ouchterlony Valley.
J. H. Kenrick, A. J. Griffin, } Assistant Superintendents, Mayur Valley.

† *N.B.*—One of these, Mr. Minchin appears as Manager only of certain Estates in the Government Register. He resides in Ooty and is, if not exclusively, chiefly employed as Agent for others, who have not signified their adherence to the proposal of which he is a prime mover.

‡ A woman who owns a small garden and lives in Ooty.

4. The Collector observes in respect to the owners of Estates, "there is not one single proprietor (by which I mean *jenmi* or owner in fee-simple) of land in Wynaad among the lot, and I do not think I need say more than that"—in short even the few who have estates and claim to represent the planting interest are mere lessees of Native proprietors or *jenmis*; nor do they probably represent the majority of the planting interest in the district, for many influential names are wanting. Indeed the Almanac of 1877 shows nearly twice as many estates in the district as are represented in the petition. And it will not fail to be observed that the South-east Wynaad Planters' Association have withheld their support; their Secretary, Mr. Thompson, mentioned that many of the statements put forward were incorrect. The whole of the signatures of whatever description are those of immigrant strangers to the country, and but few of the many such as might have joined.

5. For it must be borne in mind that the tract in question is an extensive Malayalum proprietory district, containing many thousands indigenous inhabitants engaged in agriculture, &c. The land is owned exclusively by Malayalam *jenmis*, amongst whom are the Neelialam Rajah, Neelambur Tirumalpad, and other large Malabar proprietors, besides a host of lesser local *jenmis*, Nairs, and others. The Deputy Collector states that there are over 100 *jenmis*, owning 100 acres and upwards within the tract; not one of whom, or any indigenous inhabitant of the country, has been persuaded to sign the petition; or would otherwise than most earnestly oppose any such transfer as it urges. I most earnestly deprecate rousing the strong feeling of resentment which would be produced throughout the tract, and, in fact, amongst Malabar *jenmis* generally, by the local canvass which is unavoidable if this thing is to go further.

6. The Collector naturally adds, "the newspapers have an incorrect information on the subject, and perhaps if their eyes were opened they might let the matter drop quietly;" but the Government has been perfectly well informed of the real state of the case throughout the discussions which have taken place from time to time. The first movement in this direction took place in 1857-58, when the Ouchterlony Valley and a small part of what is now comprised in South-East Wynaad was sought to be included in the jurisdiction of the Principal Sadr Amin of Ooty. I then pointed out "that such a transfer, on such grounds, would justly be looked upon by those persons of Malabar, whose interests are so largely at stake, with the utmost distrust and dissatisfaction, and would entail great and most unreasonable hardship and unnecessary anxiety on hundreds of those who alone have the right to be termed the 'parties most interested' the native population and jenmis of the parts proposed to be transferred. They have not been consulted nor even informed. The Sheristadars of this office even seem to have been unaware of the proposal."

Proceedings of Government, 3rd March 1857.

"Malabar is a proprietary district and every part of the country is as strictly private property as the soil of Great Britain. There is no Circar (Crown) land or forest waste or other except a few escheats and perhaps the koondahs. * * * * *

"There can be no doubt that the wishes and concerns of these jenmis, the only parties who can be termed those 'most interested,' should have the first consideration in a change so largely affecting their interests. Their properties are very largely involved in the portion of Wynaad, at all events, proposed to be transferred, and their interests many many fold greater than those of the planters.

"Again, there are hundreds of respectable natives, minor jenmis or tenants under the various complex and peculiar tenures prevailing in Malabar within this tract of Wynaad portion to whom it would be a most grievous hardship to be obliged to proceed to Ootacamund under every disadvantages for the convenience of a few recently settled European tenant planters.

"Had these parties been consulted, the result of the proposal would have been different. Most of the jenmis reside in low country on the coast. They have no

communication with Ootacamund, none are resident there, and nothing would induce one of them to proceed to the Hills, whither even the Moplah cooly resorts with reluctance. They would find great difficulty in inducing even an Agent or Vakeel to proceed thither. There is probably scarcely a Malayalum speaking-man at Ootacamund at this moment, certainly not one of respectability.

"Again the local laws, usages and customs of the Malayalum people, both as regards their domestic relations (*Marooomakalayom*) and the complex tenures of land ruled by the *Jenmom Kanom Maryada*, are so peculiar and thoroughly local as to be scarcely intelligible to those not long familiar with them, and it is natural that as far as the principal litigants in such matters are concerned a transfer would be viewed with the utmost distrust. It would leave them to plead these delicate questions before a Court, where the business is conducted in English and Tamil in a foreign district, where their usages are unknown, and where Malayalum Vakeels are not to be met with. No conditions more favorable to the conduct of collusive and ex-parte suits can be imagined."

7. The transfer of only one amshom was then under discussion, but I urged "the interests of one and all of a population of 4,359 are involved in the contemplated change, and there is not one who would look upon the necessity of going to Ootacamund on the civil business as a great hardship and practically a bar to all redress." Now three times the area and the interests of a far larger population are at stake.

8. In the same letter I showed that even with regard to the real interests of the owners of estates whose superintendents are too ready to visit Ooty—the advantages of the transfer "were doubtful; while as regards the native population and the parties 'really most interested' it is earnestly to be deprecated."

"An European gentleman canters over his twenty to thirty miles from his estate into Ootacamund in a, to him, enjoyable climate, with his deeds, &c., in his pocket. How different the sketch of his poor native opponents progress thitherward. Ootacamund is a place of exclusively European resort, unsuited to natives especially of this coast, and it is a place whither we are not entitled to send, whether willing or unwilling, those desirous to maintain their rights and redress their wrongs.

"Should the contemplated transfer take place, it will check the present facilities of obtaining land for Coffee planting in Malabar. The native proprietor will entertain overtures from Europeans for his land with great caution. He naturally feels as one pointedly put it to me the other day":—

'We give our land to gentlemen for coffee. What has been got from us hitherto, has been got for a trifle and the gentlemen have taken land they do not cultivate themselves and they wont let us give to others, and when they have secured the land then our tenants use all their influence to remove the venue of any difference that may arise between us or even with our ordinary native tenants throughout a whole amshom into another district, where our laws and customs and our language are alike unknown and whither we cannot go—grievance (*Sankadom* !) injustice (*Anyayom* !).'

9. The Government of Madras summed up the objections to the transfer of even a far smaller area than now under consideration in the following terms:— "The Government would render, subject to the jurisdiction of a *Tamil* Court, in a country where their laws, language, and peculiar customs are entirely unknown; many hundreds of the people of Malabar, to whom the journey to Ootacamund would itself, from the difference of climate in the tract to be traversed, prove a very serious hardship and injury."

G.O., No. 1195, dated 17th September 1857.

10. At the same time the Government refused to include any part of the Coimbatore District in the transfer in opposition to the declared aversion of the inhabitants and confined the jurisdiction to the Nilgiri plateau.

11. In 1869 certain land-holders of South-East Wynaad again petitioned the Government, dated 1st November 1869, to be included in the Nilgiri Commissionership "so as to attach us to our natural head-quarters." In reporting on the petition the Commissioner (Mr. Brooks) stated, while acknowledging that the transfer would be a convenience to the petitioners who draw their supplies from Ooty, bank there, &c., that "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."

12. Mr. Brooks probably was unaware of the condition of the country of which he wrote, and that the European Planters are mere lessees; the property of the country being exclusively owned by Native Rajahs and *Jenmis* and that Planters occupy but a small portion.

13. Mr. Brooks made light of the additional revenue labor, but was doubtful whether the judicial duties might not be inconveniently enhanced, and he pointed out that the wants of the proposed annexation "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 favor is that the Nilgiris are small in area, sparsely populated, and peculiar in their isolated geographical position;" and added that while the Commission had answered fairly well hitherto under light pressure: "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."

"If an alteration of boundaries be contemplated so as to include South-East Wynaad within the Nilgiri 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 Nilgiri District into a separate Collectorate, with separate Revenue and Judicial office; but, for financial reasons, I consider this to be impossible at present."

"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 Sattiamangalum 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 Nilgiri District;" and he proposed to abolish the Sub-Collector of Coimbatore and make other important Judicial changes. He added, "in South-East

Wynaad there is now a Sub-Magistrate stationed at Gudalur 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."

14. The Government remarked:—"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 Nilgiri 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 on him. With this view he suggests the addition to the Nilgiri District of the Collegal Taluq and other parts of the Coimbatore District which are adjacent to the Nilgiri 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."

"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 Nilgiri 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 Nilgiri 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.

"On the other hand, the Government have no doubt that the inclusion of the whole 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 reference to a proposal for including the whole or greater part of what is now called South-East Wynaad in the jurisdiction of the Subordinate Court then existing at Ootacamund.

"If, therefore, any part of Wynaad is to be included in the Commissionership, arrangements must be made for the Commissioner and his Assistant holding Court periodically at Gudalur; and, in order that this may not constitute too 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 Nilgiri 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 Tippacaudoo to the top of the Carkoor Pass, including some of the estates at Gudalur and the whole of what is called the Ouchterlony Valley."

15. Thus the Government transferred the portion known as Ouchterlony Valley to the Tippacaudu District.

16. Mr. Sim apparently opposed the transfer even so far as it went on the ground that it included the property of many Natives of Malabar under circumstances adverse to their interest; that he could not regard the petition as the prize of the inhabitants of South-East Wynaad, for "it emanated almost entirely from Europeans who find Ooty a pleasant residence," adding "I would rather incur the expenses of making Wynaad into a separate district under a Commissioner."

17. In reporting on this transfer, the Commissioner of the Hills and Collector of Malabar deprecated extension of the transfer beyond the Ouchterlony Valley.

Proceedings of Govt., dated 15th July 1873.

They urged "in regard to the town Gudalur, 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 amongst 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 Gudalur. 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, more-over, 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."

18. In his letter (dated 5th July 1872, No. 36), disposed of in the same Proceedings the Collector of Malabar, while discussing arrangement for the general administration of Wynaad, notices that in South-East Wynaad there were 8,546 acres under cultivation in 1872, (*N.B.*—The owners and Superintendents of 2,700 acres only sign the Petition) and 37,347 inhabitants. How small a faction of the latter assent to the proposal under consideration, and no doubt as a body the indigenous population as well as Estate coolies would oppose to a man the transfer of the jurisdiction of their homes to the climate and other inconveniences of the Hills.

19. The matter of the transfer was thus disposed of a second time in July 1873. But the irrepressible movers of the proposal revived it again in 1874. Their Petition is dated 5th December 1874, and the signatories are practically the same as those of the Petition under consideration.

20. The matter was carefully considered by all the Members of Government. I then laid before my Honorable Colleagues that the Government* should "not under any circumstances entertain a proposal which could not but be most distasteful to, and detrimental to the interests of, the Native population." I remarked on the several points raised in the Petition which are practically the same as now dwelt upon "that the importance of the retention of the tract in Malabar in the interest of the Malabar proprietary is greatly on the increase. The fact is these gentlemen want to get rid of their Native proprietors as much as possible, and they are becoming sufficiently influential to be difficult to hold. This I believe underlies the whole thing."

* In *Note*, dated 12th December 1874.

"The difference of distance is not great, the work to be transacted with the head of either district in person is but small, and the removal of jurisdiction to Ooty would deprive the people of the tract of the aid of the Deputy Collector in the taluq."

"The statement with regard to "supplies," &c., is "absolutely untrue except as applies to 'Europe stores' and the like. All the grain of the people, salt, fish, &c., come from Mysore and Malabar. So does all the labor. All exports, &c., go from the coast and the monetary dealing of Wynaad generally with Ooty is small as compared with that which takes place at Calicut as may be seen by bank transactions. The officers of Government are and always must be Malayalim men—known to and more amenable to the Collector of Malabar than they ever could be to Ooty."

"The Registry Office must be a Malayalim office, for all the proprietary, &c., are Malayalim men. How could a Malayalim Registration office be constituted at Ooty? What good to Malayalim people? South-East Wynaad does not pay a tenth of its cost for roads, &c., and would prove a new burden on the Hills instead of as now drawing from the Malabar Road Fund."

21. His Excellency, our late President, considered the reasons "conclusive" for rejecting the proposal, which "indeed is," he added, "preposterous on the face of it," and the Honorable Mr. Sim added, "even if there were room for doubt such a measure could not be introduced without ascertaining the wishes of the native proprietary and population, and the result can be easily devined."

22. I beg most earnestly to invite my Honorable Colleagues to adhere to the oft affirmed resolution of Government and reject this petition out of hand—a matter of this kind cannot be disposed of without canvass of the large landed (*jenmi*) interests at stake in Malabar, and of the indigenous population whose convenience is involved. The Collector writes that he must have a hearing and does not conceal his views. Can any one doubt for one moment what the result of such a canvass must be? More especially while one at least of the most prominent jenmi on the coast is smarting under the recent assumption, with heavy loss of rent or jenmabhogum, and transfer to the Hills of a large area—the Ouchterlony Valley—over which for long he had exercised every right of ownership under the sanction of the local officers of Government. Such a canvass will embitter every proprietor in Malabar against the European Coffee interest, excite their not-unreasonable distrust of the motive and ulterior designs both of their lessees and of the Government as respects their rights of property and the safety of the litigation. The gold question is unsettled between us and will infallibly be held to be exciting our cupidity, while every Shopkeeper or inhabitant, every Moplah or Canarese cooly in the country would earnestly deprecate the change. Why raise a contention which can end in but one way, unless the Government are determined to ignore indigenous feeling and traverse every sentiment of the country for absolutely no object either financial or administrative?

23. The Nilgiri District is already a heavy burden on the Fisc and Provincial Funds; extend the limits and further demands must follow. Add to it a third of Wynaad and the maintenance of the present over-costly establishment must continue and must be increased, as shown by the late experienced Commissioner; for it is futile to expect that an occasional visit of the Commissioner will replace the existing local Revenue and Magisterial and Judicial administration inadequate as even that now is. The whole question of the administration of Wynaad is under consideration, and the requirements of this part will be more economically arranged and more in the interest of the *whole* district by maintaining it intact.

24. Let us weigh the effect of transferring one-third of Wynaad, with its local cess of Rupees 1,000 (on acres 8,000 of Coffee land) to Rupees 1,500 a year to the bankrupt local administration of the Hills. Now, Malabar bears the burden and loss and relief depends on maintaining the position of this tract in that district in order that the change of Law under contemplation may take effect there likewise—a transfer will but confound confusion.

25. But the utter unsuitableness of the change becomes most manifest when we consider the unsuitableness of the provisions of Act I of 1868 to such a district. The amalgamation of Judicial and Revenue functions may (?), as noticed by Mr. Brooks, be fairly tried in a limited tract of Hill country inhabited by simple and rude Badugas and Todas, and a moderate number of European Planters who hold direct from Government or have squatted on State wastes; while Cantonment Shopkeepers, have little interest in the matter. But the system is utterly unsuited to a country where all the complex relations between an influential proprietary and the State are growing in number and importance; where questions between the jenmis and the tenants are multiplying; where those intricate questions of local law, usage, devolution and right arise at every stage; and where, since the beginning of the century, a sound and normal judicial system has been in force. A retrogade measure of this kind would be unsound in principle, absolutely offensive to the proprietary and people of Malabar; and prove unworkable in practice either as respects agency or administrative convenience.

26. In short, our late President thoroughly grasped the position when he stigmatized the interested proposal of these ill-advised gentlemen as "preposterous on the face of it."

W. ROBINSON.

No. 39-A. MINUTE *by the Honorable Sir W. ROBINSON, K.C.S.I., dated 11th October* 1875.

With reference to Mr. Schmidt's letter, dated 1st October and enclosure, he must be informed, I submit, that Government are unable to take into consideration an incomplete petition, and that the Government will await his communication to the effect that it is complete.

2. He must also be requested to state the residence and occupation of the Tamil and Hindustani signers (there is not one Malayalim signature) of the petition. Some of the Butler and Estate writers have signified their masters' residences and estates; the butchers can be traced, but the Rowters, Chetties, females, &c., may possibly be Ooty bazaar-people. We must have all these signatures carefully analysed I think. It will be well to get a return of Schmidt's, Barnard, (Lawrence Asylum) &c., property in the Wynaad.

3. I observe from the notes of my Honorable Colleagues that they wish the matter of the annexation of South-East Wynaad—which was disposed of by the late Government so recently as last year, in connection with the changes then under consideration in respect to the administration of the Nilgiri Hills—reconsidered at the instance of these petitioners. It will be necessary of course to give the numerous Malayalum Native proprietary of Wynaad and inhabitants of the track and the Collector of the District and Board of Revenue an opportunity of expressing their views on a matter of so much moment to those local interests. This can only be done when the petition can be referred to the local officers in its complete form for inquiry. Some delay will

thus be occasioned in the disposal of the question more immediately before Government, if the petition of the residents on the Hills is to be submitted to the Government of India in modification of the arrangements already sanctioned.

4. I have perused my Honorable Colleague's (Mr. Hudleston's) note. I still wish this question to be submitted *in limine* to all Members of Government, *viz.*, are we to take under consideration an *avowedly incomplete* petition, one which purports to emanate from land-owners, &c., in South-East Wynaad, and has signatures which may not be what they represent, what we are led to expect.

(Signed) W. ROBINSON.

No. 40. MINUTE *by the Hon. R. S. ELLIS, C.B., dated 19th November* 1875.

I regret that I cannot without further inquiry bring myself to adopt the course proposed by the Honorable Mr. Robinson, and reject offhand a petition from a considerable body of English Planters who have invested their capital in South-East Wynaad, and who are desirous of having that tract of country annexed to the jurisdiction of the Commissioner of the Nilgiris.

2. I do not think that Mr. Robinson is quite justified in comparing the present position of this part of the country with that which it occupied eighteen years ago, or in declaring that the Government have always deliberately and absolutely refused to listen to the request preferred for the annexation of South-East Wynaad to the Nilgiri District.

3. In 1857-58 the planting interest in the Wynaad was inconsiderable. It is now of vast importance. In North Wynaad fifteen European Planters are paying tax for 5,640 acres, while in South and South-East Wynaad there are 102 European residents representing Coffee plantations to the extent of 17,700 acres, while the actual expenditure of cash on the European estates in these two districts of South and South-East Wynaad, for a single year, amount to 12,55,193 Rupees. These figures, while indicating a very remarkable change of circumstances, justify the remark contained in a petition on the same subject, presented last year, that, "in a district like Wynaad, however, the main point for consideration must be the fact that it is in reality an English settlement, and bearing in mind the large capital the Europeans have introduced, the energy, spirit, and perseverance that they have shown, it is but fair to expect that their interests should receive the support which they amply deserve."

4. In bringing forward these facts I would not be misunderstood as undervaluing native feelings and interests in the Wynaad, but I think that in Mr. Robinson's Minute an undue weight is given to the fact that the Europeans are usually not the proprietors of the land which they cultivate, the proprietary right being held by natives. But surely these tenants who are converting wild forest tracts into well cultivated Coffee estates should not be regarded with disfavor, nor should their reiterated applications be treated with almost insulting disregard. I would also point out how different was the tone adopted by the Government in 1871, to that used last year and to that which is now proposed.

5. At that time there was no attempt made to throw discredit on the quality of the petitioners, or on the unanimity of the Planters of South-East Wynaad regarding the annexation of that tract of country to the Nilgiri District, for the Commissioner reports that the petition was signed by all but three of the Planters of South-East Wynaad,

and he affirmed as a fact the statement Mr. Robinson discredits, that these planters bank at Ootacamund, draw their supplies therefrom, and that the inclusion of that part of Malabar would be a convenience to them. The Commissioner adds that the natives of South-East Wynaad, whether as plaintiffs or defendants, would rather go to Manantoddy or Calicut than Ootacamund; but he says, practically 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.

6. The Government did not consent at that time to the annexation of the whole of South-East Wynaad to the Nilgiri District, but so far from considering it *preposterous* as Mr. Robinson would now designate such a change, they actually consented to the annexation of a portion of it, the Ouchterlony Valley, and said "that 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." I have ventured to make these remarks in order to remove what I believe to be a somewhat inaccurate view of the case.

7. I approach the settlement of the question without any bias and with the earnest wish that the important question of the administration of the Wynaad may obtain a satisfactory solution to all concerned. The moment for taking up the question seems favorable. The Government allow that the administration requires strengthening with a view to placing North and South Wynaad on an equal footing as regards the sufficiency and location of the Government Officials. We have had recently under discussion the amount of work falling on the Commissioner of the Nilgiris and we have ascertained that the addition of South-East Wynaad to his charge would not be an undue addition to his labors. There would therefore not be on this account the difficulties anticipated in 1871.

8. At present the Official Staff in the Wynaad consists of:—

I.—At Manantoddy—

(*a*). A 1st-class Deputy Collector and Divisional Magistrate, who has also the jurisdiction of a District Munsif, *i.e.*, up to 2,500 Rupees in ordinary suits and 50 Rupees in Small Causes.

(*b*). A Tahsildar and Magistrate of the Taluq.

II.—At Vythery—

A Deputy Tahsildar and 3rd-class Magistrate.

III.—At Gudalur—

A Deputy Tahsildar and 3rd-class Magistrate.

Both officials at Vythery and Gudalur have also the jurisdiction of a District Munsif.

9. The Government—see Order of 7th July 1875—were prepared to add a Deputy Collector who would be stationed at a central portion of South Wynaad, probably Devala or Choondali. They were prepared to give both Deputy Collectors Small Cause Court powers up to 500 Rupees, and to give the Magistrates at Vythery, Gudalur, and the Tahsildar Magistrate at Manantoddy 2nd-class powers.

10. This arrangement will probably satisfy perfectly the interests of North and South Wynaad, and it may to a certain extent meet the wishes of South-East

thus be occasioned in the disposal of the question more immediately before Government, if the petition of the residents on the Hills is to be submitted to the Government of India in modification of the arrangements already sanctioned.

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and he affirmed as a fact the statement Mr. Robinson discredits, that these planters bank at Ootacamund, draw their supplies therefrom, and that the inclusion of that part of Malabar would be a convenience to them. The Commissioner adds that the natives of South-East Wynaad, whether as plaintiffs or defendants, would rather go to Manantoddy or Calicut than Ootacamund; but he says, practically 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.

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10. This arrangement will probably satisfy perfectly the interests of North and South Wynaad, and it may to a certain extent meet the wishes of South-East

Wynaad, but if we find that there is a strong and general feeling that it fails to meet the wants of South-East Wynaad, it may be desirable to place this portion of the country either directly under the Commissioner of the Nilgiris, or to make all appeals from the Deputy Collector of South Wynaad, both in his Revenue and Magisterial capacity, lie, as regards cases affecting South-East Wynaad, to the Commissioner of the Nilgiris. I am not aware whether there is any legal impediment to this arrangement; but should this be so, I do not see any practical objection to placing South-East Wynaad under the Commissioner of the Nilgiris.

11. But before coming to a decision on these points, it is very desirable that we should be without doubt as to the real state of feeling throughout Wynaad, and especially in so important a portion of it as South-East Wynaad. I would refer this petition to both the Collector of Malabar and the Commissioner of the Nilgiris, and desire them to ascertain from all classes interested their views on the question of the annexation of South-East Wynaad to the Nilgiri District, furnishing the Government with statistical information in support of their views, such as population, distribution of property, source of labor, extent of land in the hands of European or Native Planters.

12. I would ask the opinion of the South-East Wynaad and South Wynaad Associations as to the extent to which the proposed addition of a Deputy Collector at Choondali or Devala, with the increase of the Magisterial powers to the officers stationed at Vythery, Gudalur, and Manantoddy, would meet their respective requirements, and elicit from what we may consider a thoroughly reliable source, whether there is still any general and strong feeling such as is represented in this petition.

R. S. ELLIS.

No. 41. *From W. LOGAN, Esq., Acting Collector of Malabar, to the Chief Secretary to Government, dated Calicut, 7th February* 1876, *No.* 14.

As I understand that a petition from the European Planters for the annexation of South-East Wynaad to the Nilgiris is already before Government, I have the honor to forward, herewith, for their information three petitions from the Natives of the four amshoms comprised in that portion of the taluq against such annexation. These petitions would have been forwarded some time ago, but I have been anticipating a reference on the subject and so delayed sending them.

No. 42. No. 4.

MEMORANDUM.

In returning the three petitions received with the Chief Secretary's Memorandum of the 9th instant, No. 170, the undersigned has the honor to forward a translation of the petition marked A, and to state that the other two petitions marked B and C are mere copies of A B, is from the land-owners and principal inhabitants of the Nambalakode Amshom and is signed by 49 persons, and C from those of Ganapativattam and signed by 185.

MADRAS,
14th February 1876.

(Signed) E. THOMPSON,
Malayalum Translator to Government.

To

THE COLLECTOR OF MALABAR.

The Petition of the undersigned land-owners and the principal inhabitants of the Munnanad and Cherankod Amshoms in South-East Wynaad.

That petitioners learn that certain Europeans, who are paid servants residing here, have lately addressed a petition praying that the four amshoms forming South-East Wynaad may be annexed to the Nilgiris.

2. That the evils that will result from such an annexation in accordance with their prayer, petitioners beg to point out below.

3. That petitioners and a great majority of other inhabitants of the country are all Malayalis, following the Marumakkatayam rules of succession. As inhabitants of the district of Malabar they now follow the Malabar usages and customs without any inconvenience. All their transactions and social intercourse are agreeable to those usages and that they are connected with the Malayalis living in the intervening country as far as the Western Sea. There are no people of their caste living in the tracts lying to the east of Gudalur, nor do the customs of those eastern tracts of country agree with theirs. Neither the climate nor the water of such places suits them.

4. That petitioners who have been adhering to their peculiar customs from time immemorial will be unable to proceed to the eastern parts and there to conduct any civil or criminal actions that may be necessary in connection with their dealings with reference to their land tenures such as Jemmam and Kanam, because they are ignorant of both the language and practice of such places and the ignorant men of such places have no acquaintance with the language or customs of petitioners.

5. That although petitioners are not afraid that any final order unfavorable to them will be passed upon the representations of the European Superintendents of Coffee plantations, who are unacquainted with the manners and customs of this country, who are simple lessees and who have represented whatever their ideas suggested, without either consulting the interests are convenience of the poor native inhabitants or holding any communication with petitioners, still their benighted-ness makes them submit this petition, lest the Superintendents may obtain a grant of their prayer without petitioners' knowledge.

6. That they emphatically assert that their journeying to Manantoddy and such places for the purpose of managing all their suits is far more convenient to them, than it will be if they have to proceed up to the Nilgiris.

7. That it is the opinion of the European Planters alone that the Nilgiri District is a good place. Petitioners are decidedly of opinion that it will not suit them. They, natives, will not be able to bear the cold or the dews of the hills even for an Indian hour (24 minutes). It is needless for petitioners to mention this to your honor, who has resided long in Malabar and who knows the customs and habits of the Malayalis.

8. That the annexation, a few days ago, of a portion of South-East Wynaad to the Nilgiris, petitioners still regret and will ever continue to do so. That they pray to God that the amshoms mentioned may not be annexed to the Nilgiris in compliance with the request of some Europeans and without reference to the grievances of the native inhabitants.

9. They therefore beseech your honor to take these circumstances into consideration to transmit their petition to the superior authorities and to let their district stand as it is.

Signed by 27 inhabitants.

27th October 1875.

(A true Translation.)

(Signed) E. THOMPSON,
Malayalum Translator to Government.

No. 43. *From the Tirumulpad of Nillambur, in the District of Malabar, to the Chief Secretary to Government, dated* 17*th June* 1876.

I have the honor to inform you that I am informed that an application has been made, a few days since, to the Government by some European Coffee Planters of

South-East Wynaad, requesting the Government three amshoms, in the said portions of Wynaad, to be annexed to the Nilgiri District.

2. In this matter I beg to inform the Government of my objections by the following grounds.

3. Of the three amshoms that are requested to be annexed, the whole of Nambalakode Amshom being my jenm property, it is quite impossible on my part to come to the Hills for the appeals of civil and criminal matters, because the climate is extremely fatal to the people of this country, besides this we cannot reside in the Hills as our religion commands, and as the language that speaks in the Hill is Tamil, are not able to manage our matters in the said strange language.

4. I therefore request the Government that the Nambalakode Amshom should be excepted from annexing to the Nilgiri District.

5. As I am unable to come up to the Hills in order to inform the Government regarding my objections on account of illness, I depute my brother.

No. 44. NOTE *by the Collector of Malabar, dated 29th June* 1876.

My opinion with reference to the annexation of the whole or of any portion of Wynaad to the Nilgiris is, shortly stated, that the whole or any portion of it may be annexed provided *that adequate arrangements* are made for the disposal by Civil Courts of Civil Causes in the Malayalum language.

2. The manners, customs, and landed tenures in Wynaad are similar in all respects to those of the low country of Malabar, and my strong point is that those manners, customs, and tenures could not be properly interpreted in Courts of which the official

No. 44-A. MINUTE *by the Hon. Sir W. ROBINSON, K.C.S.I., dated 1st July* 1876.

Which I believe to be practically impossible when the patronage and selection of Malayalum officials lies with an officer residing in a Tamil District where there are no Malayalum servants, and no native (there is no Tamil) bar, and where a Malayalum bar never will spring up. Magisterial and Revenue Courts alike require to be provided with persons acquainted with the language, customs, and local laws of the country. Mr. Logan's condition is indispensable and, I believe, in the long run, impracticable and this difficulty should not be added to the already serious difficulty which surrounds the native and subordinate administration of Wynaad. Where is the Superintendent of Police of Coimbatore—to whose charge (including the Hills) Wynaad would have to be added unless a new district with separate Superintendent of Police is created—to find Malayalum recruits for a Malayalum country? The Wynaad Police is sent from Malabar and is mainly kept up by the fact that the spell of duty there is short.

language is Canarese or Tamil. It is difficult to find an exact parallel, but if one could imagine an Englishman (knowing nothing of German) endeavouring to establish some intricate point of English landed tenure before a German Court of Justice one would not be drawing a far-fetched parallel. There are hundreds of Malayalum words which, so far as I am aware, have no equivalent at all in either of the other two languages. These words express fine shades of meaning which it requires a Malayali or one who has had *years* of experience in the country thoroughly to understand. The customs, manners, and landed tenures of the Malayalum speaking people *must* be interpreted in Malayalum Courts of *Civil* Jurisdiction, and I consider I should be failing in my duty to the native population, if I failed to express a strong opinion that the annexation of any portion of Wynaad to the Nilgiris without adequate provision having been made to this end would be doing a great injustice to the people.

3. So long as the above is kept in view, it matters little whether the revenue and criminal work is administered from Calicut or from Ootacamund.

4. If am allowed the services of a competent officer, *and if that officer is relieved from Civil judicial work*, I shall feel perfectly competent to administer the whole of Wynaad.

And where there is neither Malayalum bar nor public opinion.

The words mean intricate and special relations of property, social and religious customs both Hindu and Mopla which are not intelligible out side Malabar.

With this view I entirely concur, from a conviction formed through almost a life-long connection and acquaintance with the country and its people.

With this I do not agree. All the transactions of native life in Wynaad, so far as they pass the boundaries of their own homes, all the sympathies and social and religious connections of the people of Wynaad are with the coast, where, especially as respects East and North Wynaad, their land-owners (*jenmis*) in many cases reside. Their money, labor, supplies, &c., are drawn from the coast; and with a journey thither on public business they can combine domestic and commercial affairs. At Ooty they are absolutely cut off and shut up from every relation, besides having to undertake what is repulsive to them. And we are asked to reverse every natural condition of the country because some European settlers amongst them personally prefer Ooty, although all their own commercial transactions (except perhaps banking) are carried on with the coast.

5. If on the other hand Wynaad is annexed to the Nilgiris, the *Civil* jurisdiction of the taluq should be made over to officer of the standing of a Sub-Judge, and appeals from his decision, which would not in the ordinary course lie direct to the High Court, should be referred by the High Court to the District Courts of North or South Malabar or to the Commissioner at Ooty, according as the parties might wish. The Sub-Judge would of course be more highly paid than the District Munsif, to whom, if Wynaad remains in Malabar, I have proposed to hand over all *Civil* Judicial work within his jurisdiction.

6. If Wynaad remains in Malabar I cannot too strongly press on the view of Government the *perfectly unanimous* and curiously enough the *independently formed* opinions of the three Collectors (myself included) who have had charge of the district since 1862. We have all brought prominently to notice the *incongruity* of a Revenue and Magisterial officer performing also *Civil Judicial* work. That system acts well enough when there are no laws as when a country is first subjugated, but all the ordinary Acts and Regulations apply to Wynaad, which for seventy years has been a settled country. The organization of Wynaad hitherto has therefore been imperfect, and I feel confident that if the administrative officers are relieved of their *Civil* Judicial functions and their Head-quarters properly selected, the planters will have no cause to complain of not being represented in the government of the country.

7. I do not attach much importance to the native objections as regards climate, caste, religion, &c. The Nilgiri climate is much less of a change to a Wynaad man than it is to a low country man. The extra cumbly or two required when a journey into Ooty is undertaken would very soon be understood. And as regards caste, &c., Malayalis are much too clannish at present, and I think there would be no harm (perhaps much good) in forcing them into communication with outsiders.

OOTY,
29th June 1876.

W. LOGAN,
Collector of Malabar.

I have not a doubt that if the district be properly officered, the administration of every part of Wynaad can be far better carried on, and in a manner more acceptable to the population (even to many of the European settlers) from the coast than from the Hills; more especially with such an organization as Mr. Logan deems requisite.

This uncertain and curious expedient—itself an argument against needless and unacceptable change—would not work or satisfy.

I cannot too strongly endorse this reiterated expression of experience and opinion. And I hold that the confusion of functions in the Commissioner which finds place in the administration on the Hills, is one of the strongest objections to its extension over Wynaad—where the impropriety of the fusion of functions is and has long been felt to be one of the principal evils which the local administration suffers from.

I entirely concur with this view.

I earnestly deprecate Mr. Logan's position here. We have no right needlessly to traverse native social and religious conditions and sympathies and to make light of their climatic apprehensions and discomfort. A Wynaad man is sufficiently exposed to the latter dangers without our ruthlessly adding to them or to his expense in protecting health and life. He asks nothing at our hands but the justice of being left alone and not exposed to new dangers and discomforts, and I would ask no more for him. The prevailing exclusiveness of Malayalum races, cannot be effected and must not be unreasonably strained from *forcing* them into communication with an European Settlement and Sanitarium of English visitors with whom and their low-caste dependants they have simply nothing in common.

W. ROBINSON.

No. 45. *From T. R. RICHMOND, Esq., and six others, to the Collector of Malabar, dated Manantoddy, 4th August* 1876.

As we are under the impression that the address presented by a deputation which waited on His Grace the Governor of Madras lately to urge the annexation of Wynaad to the Nilgiris might lead His Excellency the Governor in Council to believe that the whole of the resident European planting interest of Wynaad was in favor of annexation, we shall feel greatly obliged if you will make it known to Government that the feeling in North Wynaad in that matter is very equally divided so far as the resident Europeans are concerned.

2. The question was debated in our local association and was carried in favor of annexation to the Nilgiris by a majority of two votes only, and of these two votes, one was a poxy representing a gentleman who has not been in Wynaad for twenty-five years, and the other was the vote of a Superintendent of an estate who has left this district for South Wynaad, but still retains his vote as a Member of our Association.

3. We the undersigned resident proprietors are strongly opposed to annexation.

True copy forwarded to the Chief Secretary to Government for information.

(Signed) W. LOGAN,
Collector.

CANNANORE,
10th August 1876.

No. 46. *From J. W. DITMAS, Esq., Honorary Secretary, Planters' Association, North Wynaad, to the Chief Secretary to Government, dated Manantoddy, 11th August* 1876.

I have the honor to hand you herewith a copy of the Minutes of the Extraordinary General Meeting of this Association held on the 7th ultimo to consider the question of annexation; when a vote was carried in favor of annexation by a majority of three—the majority representing some 3,740 acres, whilst the minority only represented some 1,900 acres, of Coffee land in Wynaad paying tax to Government.

2. The Members of this Association, who formed the minority on that occasion, have lately addressed Government through the Collector of Malabar protesting against annexation, as well as against the decision that was arrived at by the majority; they

aver that there was a majority on that occasion of two only, and they question the value of the votes of those two members because one of them was a "proxy representing a gentleman who had not been in the country for 25 years, and the other was the vote of a Superintendent of an estate who has left the District for South Wynaad but still retains his vote as a member of our Association."

3. A reference to the Minutes enclosed herewith will show that there was a majority of three; and not of two only. As regards the gentleman who has been so many years away from the district, I have to inform you that he still retains a large interest in coffee in North Wynaad, and on that account alone is entitled to have his interest represented, which was done on this occasion by a member who holds a general power of attorney from him; he was only elected a member of our Association in 1874 on which occasion he was seconded by Mr. W. C. Dawson, one of the members who now appear to object to his exercising one of the ordinary rights of membership. With regard to the other member whose vote is objected to, I have to inform you that, though he resides in South Wynaad, his residence is within a very short distance of the boundary of North Wynaad; and that the estate which he superintends forms part of a large group of estates, all the rest of which are situate in North Wynaad, which are under one resident manager living in North Wynaad and which therefore represent North Wynaad interests. Further, this Superintendent voted in accordance with the views of his employer.

4. As a representative of this Association in the Deputation, which presented the address on annexation to His Grace the Duke of Buckingham on the 18th ultimo, I have the honor to state that there was no intention of trying to show that the residents in Wynaad were unanimous in the matter; but that the majorities of the two Associations of Wynaad, which have seldom held the same opinions, were so.

5. Believing that time is of some moment, I have not addressed you through the Collector of Malabar, as I otherwise should have done—a copy of this letter has however been forwarded to the Collector.

6. I have the honor to request that you will submit this to Government for its information.

NOTES of an Extraordinary General Meeting held at Wynaad Club on 7th July 1876.

W. C. DAWSON, Esq. in the Chair.

The Chairman read the notice convening the Meeting and said that so far as he was concerned he knew none of the arguments in favor of annexation and what had led to the idea of its being brought forward.

2. The Honorary Secretary then read letters from the Honorary Secretary, Wynaad Planters' Association, which explained the reasons for bringing forward the question so suddenly, viz.,

3. That it had been arranged that a final decision should be come to on Friday the 7th July with regard to all matters connected with Wynaad, the settlement of which has so long been pending by the Governor in Council; after which of course the Wynaad question would not have been reopened by Government for a considerable time. That South Wynaad was of opinion that the severance of South-East Wynaad from Malabar would tend to weaken the influence of Wynaad as a planting district; and therefore the Wynaad Planters' Association had asked Government to suspend action in the matter until the Planters' Associations in North and South Wynaad had been able to obtain the opinions of the members as regards the annexation of the whole of Wynaad. That in reply the Chief Secretary to Government had stated that the Governor of Madras had consented to allow the question to remain open until Friday the 14th July.

4. The Honorary Secretary explained that General Meetings of the Associations had been called in consequence at the earliest date possible, both in Vythery and Manantoddy; and pointed out to the members present that time was of the utmost importance, as only one week would elapse before the matter would come before the Governor in Council for final settlement.

5. The Honorary Secretary then spoke at some length pointing out, first of all, the objects which he maintained would be gained by annexation, viz.:—

1st.—The establishment of a planting district in which there would be no strong conflicting interests; at any rate no native ones.

2nd.—The increased attention which would be given to all planting interests by Government, when properly represented by a Commissioner, in whose district those interests were so important, as to overshadow all others.

3rd.—The junction of the two most important planting districts of the Madras Presidency into one Province, which would in all probability be increased by the addition of Coorg, when that Province is detached from the Mysore administration on the accession of the Rajah of Mysore to the throne in three or four years time.

6. The objections to annexation were he contended not numerous; and if looked fairly in the face would be found to disappear. Annexation, he contended, was the only way of securing what we had been driving at for so many years, viz., the establishment on a proper footing of the planting interests of Wynaad, and of Southern India.

7. Mr. Richmond then in an able speech argued against annexation; he urged that Wynaad had gone on very well under Malabar for the last thirty years, and that therefore the new idea of annexation could not be good; he held that the question required further consideration and was too hurriedly brought forward; he was convinced that, if Wynaad was annexed, all our money would be spent in the formation of Rinks and Badminton grounds at Ootacamund, and concluded by proposing the following Resolution, "That the question of annexation of North Wynaad to Ootacamund is premature and be deferred for further consideration."

8. Mr. H. Dawson in seconding the motion supported and enlarged on the views expressed by Mr. Richmond. Mr. Ditmas in proposing the following amendment acknowledged that the subject would bear further consideration; but under present circumstances, owing this day week being fixed for the settlement of the question by the Governor in Council, there was no possibility of postponing the subject for further consideration—a decision must be arrived at without delay and therefore he proposed—

"That this Association is of opinion that it would be very advantageous to Wynaad if the Nilgiris and Wynaad were formed into a Commission, and Wynaad separated from Malabar."

"That a Deputation be appointed to wait upon His Grace the Duke of Buckingham on the 13th instant to act with the Deputation from South Wynaad in urging on His Grace the importance of such a Commission."

9. This amendment was seconded by Mr. Wilkins. The Chairman then put the amendment to the Meeting and the ayes and noes were found to be equal.

10. After some conversation it was proposed by Mr. Ditmas, seconded by Mr. Puddicombe—

"That the voting power with regard to annexation being so equally divided amongst the members present, the original proposition and amendment be circulated to all absent members within reach and that their votes be taken as if they were personally present."

11. Carried unanimously. The Meeting was then adjourned till 4 P.M. of the following day (8th) to admit of the last resolution being carried into effect.

12. The adjourned Meeting reassembled at 4 P.M. on Saturday, 8th July, and on the votes being recorded it was found that there were—

Ayes	10
Noes..	7
Majority in favor of annexation	3

13. It was then proposed by Mr. Lowrie, seconded by Mr. Jones—

"That Messrs. Ditmas and Puddicombe be requested to act on the Deputation. Carried unanimously.

14. At the suggestion of the Chairman it was resolved that the transit expenses of the Deputation on the Nilgiris be paid by the Association.

15. A vote of thanks to the Chair terminated the proceedings.

(Signed) W. C. DAWSON,
Chairman.
(") F. W. DITMAS,
Honorary Secretary.

No. 47. *To His Grace the DUKE OF BUCKINGHAM and CHANDOS, Governor of Fort St. George.*

MAY IT PLEASE YOUR GRACE,—We, the representatives of the Wynaad Planters' Associations, have the honor to wait upon your Grace to urge upon you the expediency of uniting the whole of Wynaad to the Nilgiri Commission, and to pray that you will, under these circumstances, carry out the various reforms so long promised and so much needed in our district.

2. Representing as we do the whole of the European planting interests of Wynaad, we approach your Grace in the confident hope that the points we are about to urge will influence your Government in the settlement of this important subject.

3. We would, in the first place, respectfully remind your Grace's Government that during the past eighteen years the Home Government have constantly advocated the fostering of European enterprise in India.

Notwithstanding this reiterated expression of the feelings of the authorities at home, and the acknowledgment by the Indian Government of the wisdom of the policy advocated, we cannot help feeling that, so far as the Wynaad is concerned, the interests of the natives have been the most prominently kept in view, and that, constituting, as the Wynaad now does, a small portion of the large and wealthy Province of Malabar, it has been scarcely practicable for the Government to carry out the views of successive Secretaries of State as to the paramount importance of the interests of the European planter.

4. The Collector of Malabar, whatever may be his personal sympathies, apparently finds that, both by his policy and his instructions, he is bound to regard with the minutest care the interests of the enormous native population he is appointed to govern; and that the administration of the Province is so onerous that he is unable to devote that attention to our British Colony, which the planters believe they have a right to expect.

They feel that they are at so great a disadvantage that they cannot even obtain the prompt justice fully accorded to natives elsewhere throughout the country. This is shown by the fact that it was only found worth while to report 110 cases of breach of contract to the Magistracy during the year 1873-74, although 375 cases actually occurred, involving a loss in advances of Rupees 75,000.

It is the same with regard to the applications for land. Planters are put to indefinite delay, whereas the policy is, in all other parts of the Madras Presidency, to grant land to natives without delay and without the vexatious system of competition by auction.

5. The European community of Wynaad are so strongly impressed by these facts that they, as a body, beg most earnestly to advocate the cession of the entire district to the Nilgiri Commission on the grounds that the Wynaad would, when forming a portion of the Nilgiris, be placed in the hands of an administration better suited in every way to carry out the government of the district, and that they might thus fairly hope to be placed in such a position as would enable them some day to rival the neighbouring prosperous colony of Ceylon.

6. To prove the rising importance of the Wynaad, we would draw your Grace's attention to the following facts:—

In 1860-61 the area under cultivation with coffee amounted to 7,275 acres, while in 1874-75 the total exceeded 32,000 acres, and this, in spite of a certain area abandoned, mainly owing to inexperience and the mistakes which invariably occur in the infancy of every colony. We may here point out, however, that the abandoned land is not worthless because it has been thrown out of cultivation. Your Grace is probably aware that at the Wynaad level tea grows with great luxuriance, and there is no reason why the land tried without success for coffee should not be planted up with tea. It is probable that Wynaad may some day rival Assam as a tea-growing district.

But these figures represent merely the area of land actually paying tax to Government. We have no means of ascertaining the total acreage in the hands of natives; but the real stake of the European planters is represented by some 430 estates, comprising 1,50,000 acres of land, the great bulk of which will doubtless, before many years elapse, prove an additional source of revenue to Government, under the increasing cultivation of coffee, tea, and cinchona, if the resources of the country are promptly and prudently developed.

The value of the growing coffee in the district may be estimated at upwards of two million pounds sterling, of which three-fourths exclusively represents the European interests, and the annual expenditure on the coffee in cultivation is not less than one-third of a million sterling.

Although the *direct* revenue derived from Wynaad bears but a small proportion to the entire revenue of Malabar, it is beyond dispute that the general revenue of the adjoining Provinces is *indirectly* increased to a very large extent by the European capital invested, and still being annually invested in Wynaad.

In the year 1840-41 the total quantity of coffee exported from Malabar was under ten tons, whilst for the last five years the produce of the Wynaad, according to the official returns, has averaged ten thousand tons. And the value of the coffee now exported from the Madras Presidency is upwards of one hundred and twelve lakhs of rupees annually, being second in importance only to cotton, the value of which is put down at one hundred and fifty-eight lakhs.

7. Moreover it must be the policy of Government to stimulate productions exclusively consumed in foreign countries, because they bring back money and so tend to counteract the adverse exchange which has for the last few years been telling heavily on the prosperity of India.

8. For the last sixteen years planters have constantly brought before the Government of Madras the necessity of reorganizing the administration of the district. From the time of Sir Charles Trevelyan to that of the late Lord Hobart, successive Governors of the Presidency have acknowledged the claims of Wynaad, and have in

their orders made various concessions which however have unfortunately only been carried out to a very limited extent. In our humble opinion the progress of Wynaad has been retarded by the little attention bestowed on it, owing to plantation industry being a novel industry in the concerns of an already active country employed in agricultural pursuits of a totally different kind.

9. It is not, however, our object to complain of the past. We are here today to advocate what we hope will prove a source of immediate advancement.

As before mentioned, we consider that our interests—those of an important European Colony—are merged and lost sight of in those of the large Native Province of Malabar, and we now wish to impress upon your Grace the advantage likely to accrue to our important industry, if the entire Hill District of Wynaad and the Nilgiris were united under one special Commission, where the interests of the planters would receive due consideration.

It is apparent to all that since the Nilgiri Commission has been appointed the welfare of the Hills has rapidly advanced. The European population is much more numerous, the acreage of land under cultivation has been almost doubled, and we are given to understand that, under a contemplated amelioration of the land rates, a very complete occupation of land on the Nilgiris is likely to take place. In addition to this the wealth and prosperity of the natives have materially increased.

This must be chiefly due to the enlightened administration of the district and, the increased attention that the interests of the settlers have received at the hands of Government.

If Wynaad were added to this Commission we trust that the same advantages would be extended to us. The Commissioner would be constantly amongst us, and, as our interests are preponderant, he would accord them the consideration that is their due, on that ground.

Under his immediate supervision the subordinate officials of the district (who have hitherto been so insufficiently controlled that they have laid themselves open to complaints of every description) would be selected with care and compelled to carry out their duties efficiently.

10. And here we wish to impress on your Grace the absolute necessity for the appointment of at least one Covenanted Assistant, of superior powers both Civil and Criminal, to be resident in Wynaad; and that the Subordinate Magistracy of the district should for the future be invested with first-class powers, the want of which has so seriously militated against the prosperity of Wynaad. We would suggest also that Honorary Magistrates should be appointed from among the residents in the district, mainly for the purpose of assisting in efficiently carrying out the laws between employers and servants.

11. We presume that our various subdistricts would be adequately represented on the Local Fund's Board, and that the same grants for roads and other public works, which have hitherto been allotted, would be continued.

Of late years we have not had to complain as to the liberality of these grants, but we have constantly had to find fault with the want of economy shown in their expenditure and the absence of proper consideration in their application to the true interests

of the planter. We hope that, under the new *regimé*, minor details of this sort would rest more under our own control, and further that any schemes for the advantage and improvement of the district could be more promptly and powerfully advanced by us. It is evident too that the majority of the works originated by the Local Fund's Board would have for their object the opening out of the country for plantations.

12. In again drawing your Grace's attention to the neighbouring country of Ceylon, we need enter into no details, but merely point to the rapidly-increasing wealth and prosperity of the Island under an administration which in every way assists the coffee enterprise. We submit that our interests are identical with those of the Ceylon planters, and that an enlightened policy similar to the one which guides the Government of that Colony should be extended to us.

13. We are aware that your Grace's Government have already under their consideration the question of the annexation of three amshoms of the Wynaad to the Nilgiri Hills. While not wishing to oppose this step, we feel that such a partial change could do but little good; for though it would in only a small degree enhance the welfare of the Nilgiri District, it must necessarily diminish the importance of Wynaad, and our district would thus become even of less interest than it is at present to the Collectorate of Malabar.

14. It will of course be urged by some that the natives of Wynaad would be opposed to the step we advocate. But we would first point out to your Grace that the Native planter has merely followed the enterprising example of the European, and that, without us in the district, they would never have settled there at all. It is evident moreover that their interests being in the main identical with ours, whatever is for our benefit must be equally advantageous to them. Furthermore the cattle which they possess and the cereal cultivation which they undertake are due to the demand from the planters. This is clearly the case because in 1830 the only industry in the place was, we believe, gold digging.

We have been at some pains to ascertain the feelings of natives on the subject of annexation, and we find, through perfectly unbiassed sources, that those really concerned in the question, viz., the large native proprietors, would certainly not oppose the change; but, on the other hand, are undoubtedly disposed, in a question of this sort involving the improvement of the district, to be guided by the more advanced ideas of the Europeans.

15. In conclusion, we would beg most humbly to express to your Grace our appreciation of, and gratitude for, the interest you have already shown in the prosperity of our industry. And we earnestly pray that, in deciding this matter, you will be swayed by views and opinions which we are sanguine could only be to the advantage of the entire planting community, involving, as this does, a question on which your Grace's wide experience in the mother country so eminently qualifies you to adjudicate.

(Signed) E. THOMPSON,
Chairman South and East Wynaad Planters' Association,
and four others.

No. 48. *Minute by the Hon. Sir. W. ROBINSON, K.C.S.I., 14th October* 1876.

I regret exceedingly that I am unable to follow my Honorable Colleagues in their recommendation to the Government of India and Secretary of State to set aside the

resolution of Lord Hobart's Government in 1874 and forego the retrenchment of the present unnecessary expense and undue drain on the Covenanted Civil Service which are caused by the administration of the Neilgherry Hill District on its present footing as a Commissionership. That resolution was accepted by the Government of India on, all sufficient grounds, as the condition of replacing the Special Assistant in the Moplah Taluqs of Malabar from which he had unhappily been withdrawn; it had the careful consideration by Lord Hobart's Government twice in 1874 and was reviewed again in 1875 and affirmed in the sense of the original resolution of 21st April 1874, No. 721, under which the reduction of Assistant Commissionership was practically promised. The second officer can be spared; for there is no more work of a character suited to a Covenanted officer of high standing than one offices can overtake. If there be, he can be relieved with benefit to the administration, and without undue inconvenience to the public. And any measures to supplement the work on the Hills by annexations from the Malabar District will prove alike distasteful to its native proprietory and inhabitants, and highly inconvenient in themselves.

2. I endeavoured to trace in my Minute, dated 20th April 1874 (Proceedings of Government, Madras, 1874), the history of the transition of the Special Assistantship of Malabar into the Assistant Commissionership of the Hills in 1868—and I hold that results have failed to justify the measure as respects Malabar, where his presence was intended when the appointment was made many years ago to control passions that do not brook neglect in their earliest phases. This contingency has been promptly rectified by the temporary appointment conceded by the Government of India on the assurance that equivalent retrenchment would be made on "the Neilgherry Hills where reduction in the Covenanted Agency appears to be feasible," and I think that the promise should be fulfilled under the unchanged condition of things.

3. I was a willing party to the first resolution of the Government of Madras of 1874 by which it was practically decided to reduce one officer—leaving the salary of the Chief Civil officer at the existing rate; not so to its subsequent modification, by which it was proposed to reduce the salary of the Commissioner and retain both officers. Because—while willing enough to leave the ample salary as it is—I considered that one Covenanted Civil administrative officer on the Hills—small and unimportant as the charge really is—should be more than equal to the work there is to overtake; and that the reduction of the second officer, who is superfluous, will enable the local administration, which needs no special treatment, to be placed on the same footing as works well elsewhere; will restore the Special Assistant to Malabar without further expense; and will relieve the Covenanted Service of the country which is sorely pressed by claims on it—as evidenced by the fact that we are constantly forced to supply their place by expensive Deputy Collectors. The modification was however carried; the Government of India has accepted themodification and it carries the promised retrenchment. It is dated 25th September 1875. To this I was not a party.

4. The matter again came under most careful re-examination in 1875 while I presided in Council, in consequence of local agitation directed mainly against the reduction of the Commissioner's salary to Rupees 1,200 a-month as proposed in the modified resolution. I then again laid the facts and statistics of work on the Hills before my Honorable Colleagues when reviewing a local petition* in the following

*Dated July 1875.

form. The statistics apply to years prior to 1875, but no material change has taken place; they apply still:—

"The petitioners confine themselves to generalities and are evidently in ignorance of facts and relative conditions. The analogy of the position and functions of a Collector and Magistrate and of a Civil and Sessions Judge of a District in the plains seems to be relied on; and equal consideration in respect to these functions on the Hills is claimed. There is however in fact little or no analogy between the cases; little indeed as to the duties or responsibilities devolving on the functionaries compared. The Neilgherry Taluq having been constituted a District under Act I of 1868 (Madras) assumes, it is true, a certain and very costly status as respects its administration and *personnel*, but much of the duties which are performed by its highly paid and numerous Covenanted and Commissioned Agency scarcely rise above those of Taluq and village Magistracy and officials.

"In my Minute, dated 21st April 1874—to which reference may be made—I noticed some of the statistics of the Neilgherry charge. The single Taluq contains 750 to 1,000 square miles (of which upwards of 90* per cent. is uncultivated) and a population of say 60,000 inhabitants (including Ouchterlony Valley, &c.) or say 60 to the square mile—75 per cent. of whom are peaceful, rural and nomad Hill races, and 2,000 Europeans (1,339 including Military at Wellington) and East Indians (796). The Kusbah Ootacamund is a moderate-sized town of 10,000, and Coonoor a village of 3,000 inhabitants. Both are administered by their respective Municipal Commissioners and each has a Bench of Magistrates appointed under the Act of 1874. Wellington has 2,000 inhabitants (the Military included) and has a Cantonment Magistrate. There are seventeen rural villages in the district, much of which, as before noticed, is uninhabited and the work connected with them is unimportant. The Public Revenues of the Taluq amounted in round numbers in 1874 to Rupees 1,50,000*—a sum which is largely exceeded by charges for permanent establishment (Administrative, Judicial, Medical, Ecclesiastical, &c.) employed on the Hills. The Neilgherry District is therefore simply a moderate and very easy Tahsildar's charge, so far as area, population and revenue administration and income are concerned; and but for the presence of the European residents and planters above enumerated in the Taluq and of European sanitaria, its status would undoubtedly still be such; it would form a mere part of the ordinary charge of a supervising Divisional Covenanted officer. The revenue duties of the charge are in the main simply those of a Taluq of very moderate dimensions and importance; and the functions which ordinarily belong to the Collector of a properly-organized District cannot be onerous on the Hills; but the employment of Covenanted Civilians on some at least of the duties which ordinarily fall to Tahsildars and their offices, constitutes a costly agency for the revenue administration of a poor and inconsiderable Taluq, which is in a great part nomad and uninhabited.

* Cultivated area including the Ouchterlony Valley:—

				Acres.
Ryots' holdings				35,617
Coffee				*11,654
Tea				2,029
Cinchona—				
Private	1,315			
Government	1,744			3,059
				52,359
* Including the Ouchterlony Valley				3,936

	Rs.	Rs.
* Land Revenue	32,696	
,, Miscellaneous	12,818	45,514
Forest, &c.	18,408	
Abkari	72,763	
Stamps	15,636	1,06,807
		1,52,321

N.B.—It is possible that some charges which properly belong to the Cinchona Plantations are included, while the receipts are not given—both of course belong to the costly Forest Department and should with the administration appear there. The same observation may apply perhaps to the Jail Department because of the confusion of administration and finance existing on the Hills; but the fact affects but slightly the question.

N.B.—"It may be interesting to compare this District with Wynaad—the Plantation Taluq of Malabar. The Taluq has an area of 1,115 square miles with 1,25,938 (1871) inhabitants or 112 to the square mile, of whom 269 are European planters and 491 East Indians, and yields a Land Revenue of upwards of Rupees 1,50,000. It is a Deputy Collector and Tahsildar's charge (with Deputy Tahsildar.")

"Even the special (if it may be so called) business of the taluq—the sale of waste land for plantation and other purposes—appears from the Commissioner's letter to be limited and probably wholly unremunerative :—

Commissioner's letter, dated 19th August 1875, No. 157.

—	Number of Lots.	Land Sold.*	Survey Charges.	Net Profits.
		Acres.	RS. A. P.	RS. A. P.
1870	20	183·50	473 8 1	75 15 11
1871	22	110·88	274 1 0	386 14 0
1872	15	164·46	272 8 10	2,193 7 2
1873	9	344·30	677 12 9	2,329 3 3
1874	15	1137·95	1,393 3 1	13,615 14 11
Total ..	81	1941·09	3,091 1 9	18,601 7 3
Average ..	16	382·21	Rs. 8 per acre.	....

"The above statement shows that some 3,000 acres were sold in five years between 1870-74 with a net profit (station lots included) of say Rupees 18,500 or Rupees 3,700 a-year (exclusive of Survey charges) an amount which would probably disappear before a debit of administrative charges; and the sales up to August of the current year have been Acres 300 only (net profits not stated). In the mean time we have been obliged largely to abate (and remit arrears of) a moderate scale of assessment which is not shown. Some accession to the demand for land is promised by the Commissioner if what he terms 'more liberal rules' receive the assent of Government. Further concession no doubt may be required both as to prices and annual assessment, to induce occupation of our poor waste grass lands by the experimental and somewhat doubtful plantation of tea, but it will be at the sacrifice of both net profits on sales and hoped-for current revenue. And I am afraid that possible increased demand for land cannot be treated as such a financial prospect and probable success as to justify extravagant outlay on the Covenanted Agency who dispose of these agricultural applications, which apparently far exceed actual transactions. The cultivation in the Ouchterlony Valley was transferred in full operation from Malabar and is practically in Wynaad. It is private property yielding a very moderate and disproportionate income to the State and possibly not covering its expenses. The revenue administration of the Hills, therefore, does not justify its present cost.

"As regards the administration of Law and Justice in the District, the same moderate requirements as respects highly-paid Covenanted Agency present themselves. The taluq is comparatively free alike from grave crime and serious civil litigation, and neither can be said to be on the increase. Further there is nothing in the unimportant character of either which needs necessarily exalt the means for its disposal above the ordinary Taluq and District Agency of the country, or requires superior civil or sessional supervision.

* *N.B.*—Acres 700 represented to have been sold in 1874 are omitted as the Survey charges are not shown. The bid for them (Mr. Liddell) is Rupees 1-2-0 per acre, while the average survey on the Hills appear to be Rupees 8 per acre. When these are included the profits will be so small that the matter may safely be left out of the accounts.

"The following tables show the work under both heads :—

"*Criminal Justice.*

—	Number of Offences committed.	Number of Cases disposed of Summarily. By Magistrate of 3rd Class.	By three Magistrates of 1st Class (Europeans).	Number of committable Cases tried by Sessions Judge.
1868	1,050	337	390	15
1869	980	178	514	7
1870	836	124	535	5
1871	1,007	106	690	8
1872	1,038	115	587	7
1873	1,356	130	1,226	1
1874	1,441	163	1 278	11
Total ..	7,708	1,153	5,220	54
Average ..	1,101	165	746	8

"*Civil Justice.*

—	As Civil Judge and Subordinate Judge.	As Criminal Judge. Trials.	Appeals.	Total.	As District Munsif and Small Cause Court Judge.	Total.
1865	12	..	..	12	281	293
1866	34	..	..	34	535	569
1867	12	9	12	33	418	461
1868	12	16	9	37	231	268
Total ..	70	25	21	116	1,465	..
Average ..	..	..	..	29	366	..
	Judicial Commissioner.				Assistant Commissioner.	
1869	6	8	9	23	225	248
1870	19	7	6	32	198	238
1871	5	8	3	16	184	200
1872	3	7	7	17	187	204
1873	8	1	..	20	246	266
1874	7	11	14	32	273	305
1875 to June 30th ..	..	5	5	10	108	118
Total ..	..	..	..	150	1,421	..
Average ..	..	..	..	21	203	..

"A glance at these figures, which include those of the local towns, shows that the real requirements of the charge under both heads are on a very moderate scale, and that the practical functions of the officers—their number is shown in my Minute of the 21st April 1874—who are engaged in their execution need not be of a high order. Yet the cost of the administration under Law and Justice on these Hills is unparalleled—about I believe Annas 12 per head of the popula-

tion while the taxation is but 10 Annas per head—because Covenanted and Commissioned Sub-Magistrates and Munsifs constitute a costly agency to deal with petty crimes and tradesmen's shop bills; and a Civil and Sessions Court is a somewhat inflated climax under the circumstances.

"At the hands of such Agency Criminal Justice alone costs I believe some 6 to 7 Annas a-head on the Neilgherry Hills, against a general average in the Presidency of, I understand, about three pies per head; and each petty criminal case on these Hills costs the State not less I am told than five to ten times what it does below. It will be observed that the year's offences do not much exceed in number those of a fair-sized taluq with populous Cusbahs; and judging from the statistics of crime probably 80 to 90 per cent. of all the cases are such as could be disposed of by Native Magistrates of the third class and by Village Munsifs. But under the existing constitution of the administration the bulk of these petty cases are tried by costly Covenanted and Commissioned officers—now to be further relieved by two Benches of Magistrates in the towns of Ootacamund and Coonoor, where the bulk of the petty crime now adjudicated upon occurs. And yet we maintain a Sessions Court for some eight committed cases in the year. For such is the average number with which the Judicial Commissioner had to deal between 1868 and 1874—including probably a majority of the cases which would have been disposed of by the Magistrates with first or second class powers, without committal, in other parts of the country. Out of twelve cases tried by the Judicial Commissioner in 1873 and 1874, seven were cases within the competence of first-class Magistrates, and the proportion was still larger in preceding years under the less extended magisterial powers conferred by the original Code of Criminal Procedure. Probably three or four cases a year comprise all the Sessions cases properly so called that ordinarily occur. The District Magistrate or Assistant Commissioner tried only four cases in 1874 and none in 1873. There was absolutely no appeal from a lower Criminal Court to the District Magistrate in either year; and the supervisional work over the Native Subordinate Magistracy—there is only one I think—has now practically been assumed by the High Court. A few unimportant criminal appeals now go to the Judicial Commissioner because here the original trials (however trivial the offence) have been held before European first-class Magistrates such as would in other Districts go to the Divisional Magistrate, but even so the appeals of 1874 were only fourteen, and in the first half of the current year only five. The Judicial Commissioner's eight sessional cases and fourteen petty criminal appeals must have cost the State a serious sum in 1874.

"Practically therefore there is no adequate employment for the large, costly, and indifferently adjusted Covenanted and Commissioned Agency which we employ on Criminal Justice on the Hills. There is clearly nothing which need necessitate the maintenance of a Criminal Judicial system and establishment which costs, relatively to population, &c., probably ten to fifteen times as much as the more-onerously burdened establishments engaged in the same work in the low country. They are further employed almost exclusively on crime of the most ordinary and unimportant character. It is then futile to dwell as is done in these petitions on the dignity of the sessional functions of an officer who has practically little or nothing on which to exercise them.

"The remedy lies of course in requiring the lightly-taxed Magistracy to do their duty—light indeed compared with what falls to the lot of men in other parts—and the transfer of three or four sessions cases that may occasionally occur on the Hills in the year, to the Court at Coimbatore (easily reached in twenty-four hours by rail, &c.,). The transfer will neither burden that exceptionally light Court nor unreasonably tax the patience of the public. In very few such cases are Europeans engaged.

No. of suits instituted in	1873.	1874.
District Court Side	7	4
District Munsif Side	57	68
Small Cause Side	189	204
Total..	253	276

"The cost and circumstance of the administration of Civil Justice on these Hills is equally open to remark as to their disproportion to the importance of the interests involved.

—	By Judicial Commissioner.		By Assistant Judicial Commissioner.			
			District Munsif Side.		Small Cause Court Side.	
	Number	Amount.	No.	Amount.	No.	Amount.
1872 ..	6	21,604	54	11,327	196	17,555
1873 ..	2	5,594	63	24,020	197	15,482
Average..	4	3,392	58	304	196	84

N. B.—"This is of course a rough calculation, but serves to enable an estimate to be made of what this branch of administration is costing us actually."

The above statement shows that litigation is not on the decrease, and the marginal notes indicate the unimportant character—chiefly tradesman's shop bills—of the suits. The Civil Judge has disposed of eight suits of the value of Rupees 27,198 in two years or an average of four suits of 3,400 each in a year. The Assistant Commissioner (*Munsif*) has one suit of Rupees 300 a-week and a Small Cause case of Rupees 84 every other day. Taking one-half of the salary of the Commissioner and his Assistant and cost of establishment, the administration of Civil Justice which dealt with litigation involving Rupees 53,000 cost Rupees 21,000 (or 40 per cent.) in 1874. Each suit costs the State apparently Rs. 80, while the value per suit was Rupees 200. It were difficult to calculate the cost to the State of litigation before a Civil Judge who had four original suits and three appeals probably worth Rupees 8,000 to deal with in a whole year (1874). The recent extension of the jurisdiction of the Munsif's Court will reduce the work of the Civil Judge to a minimum, without probably largely increasing that of the lower Court. It seems to me simply puerile to urge the dignity of the functions of a Civil Judge on the Hills in the face of such circumstances and facts—wrong, I hold, to continue them.

"The only reasonable remedy lies as it seems to me in clearing away the form of maintaining a District Civil Court where there is nothing for it to do, and transferring its very limited functions to the lightly worked Civil Court of Coimbatore. The abolition of the more or less titular Civil and Sessions Court at Ootacamund will clear the ground for sounder, more reasonable and more moderate administration under every head in the District.

"These measures of course involve the repeal of Act I of 1868 as originally intended by Lord Hobart's Government, which I hold to be desirable. The Act is inconsistent as it appears to me with more than one of the first and best established principles of our administration; in that it discovers magisterial and revenue functions which are everywhere else usefully united in the officer who is the head of the administration, and unites revenue and administrative powers with the highest judicial functions which are everywhere else wisely kept separate. The Commissioner is, the Collector of the District only, but he is at the same time the Civil and Sessions Judge and Principal Sadr Amin of his charge. His far Junior Assistant is Magistrate of the District, head of the Police, and practically also an independent Judicial officer as Munsif and Judge of Small Causes. He is Pounds' Manager, &c., &c.; and in his capacity as Assistant to the Commissioner does some of the minor duties of a Taluq Sheristadar and is Treasury Officer and Cashkeeper, &c. The nominal Head of the District is thus legally deprived of all magisterial power and control over his magisterial subordinates and the Police, in several important capacities; and he is not in the eye of the law the principal executive officer of his charge in the exercise of functions in respect of which his junior's submission is not matter which can always be relied on to avoid the collision under the largely-extended powers of the District Magistrate by the new Code of Criminal Procedure; for the law and recent orders of the High Court and Government practically vest the entire control and general supervision of the local Magistracy, Police, &c., in the hands of the District Magistrate—the junior officer. The Government in fact pay the senior officer a high salary, but the law leaves him little to do; while for all practical purposes by far the major part of the work, whether Magisterial or Judicial or Executive, must be done by the junior—and it is within our own observation that the municipal or other miscellaneous duties of the station devolve on him almost exclusively while the Civil and Sessions Judge is President of Municipal and Local Fund Boards. The whole thing is anomolous and inconsistent.

N.B.—Apparently less than one per cent. of either the civil or criminal litigation of the District comes before the Judicial Commissioner.

"Again confusion apparently reigns in the offices of the Commissioner and his Assistant. The revenue establishment belongs to the Commissioner; and the District Magistrate has practically perhaps no independent native magisterial or office establishment; the clerks, &c., are the Commissioner's subordinates either in his revenue or judicial capacity; and these again are in a great measure indiscriminately employed on revenue, magisterial, and judicial work—original and appellate. In fact apparently nothing ever can pass out of the hands of the Commissioner's Manager and Sheristadar in his manifold capacity of Manager of the Collector's office and probably Sheristadar of the different Judicial Courts. The want of arrangement appears to me objectionable and must naturally fail to command either respect or confidence."

5. I will interrupt my review of the thing here to give the view of the late able Commissioner (Mr. Brooks) of the District in 1873, after some years experience of the working of the Act and of the union of functions. He observed:—

"Such a consolidation of officers 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 favor is that the Neilgherries are small in area, sparsely populated, and peculiar in their isolated geographical position;"

and added that while the Commission had answered fairly well hitherto under light pressure,

"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 headquarters, it will scarcely be possible to do justice to either branch of the administration. If an alteration of boundaries be contemplated so as to include South-East Wynaad within the Neilgherry District, I feel satisfied it will greatly add 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."

We have not the opinion of the present Commissioner on the working of Act I of 1868; but I have learnt from the late Assistant Commissioner that he did not think it satisfactory.

I will notice the subject of the proposed annexation of South-East Wynaad later on; but I may remark here that I fear that the Act must prove unworkable there, and I fear it does not really work well even on the Hills.

In my note I further added—

"With a view to the future administration of this Taluq or District, I would repeal Act I of 1868 as intended originally by Lord Hobart's Government and restore the ordinary course of administration. I would appoint a first-class District Munsif (European or East Indian) for the administration of Civil Justice within the ordinary powers of such an officer and leave the very few suits beyond his jurisdiction to the Civil Court at Coimbatore. The abolition of the Judicial Sheristadar would provide part of the funds required for the office establishment. As respects revenue and magisterial functions a single European Covenanted officer as Collector and Magistrate will suffice, and I would appoint a second-class Tahsildar and Sub-Magistrate to the Taluq who should exercise his magisterial functions outside the limits of the station—the Military Commissioned officer still taking those duties within the station and presiding over the Bench of Magistrates of Ootacamund when sitting. The abolition of the Sheristadarship of the Commissioner's office (Rupees 200 a-month) and substitution of a Manager of the Collector and Magistrate's office would furnish at least half the sum required for the Tahsildarship, and the subordinate office establishment need not be large. The Tahsildar would execute all duties connected with the Pension and Cash Departments, for the latter need not be onerous with a branch Bank at the station. There is a Deputy Tahsildar and Sub-Magistrate at Coonoor who would then exercise as now both revenue and magisterial functions under the Tahsildar.

"I would appoint a Collector and Magistrate of the District on Rupees 1,200 to Rupees 1,500 a-month, who would more than suffice for the revenue and 'land-sales' duties and for those supervisory and magisterial functions which ordinarily devolve on such an officer. Sessions cases would be committed to the Court of Coimbatore. The Commissioned Magistrates would manage as now at Ootacamund and Wellington. The revenues of the District are too small to justify more expensive administration; and I consider that it will be advantageous that the Collector and Magistrate of this small District should not be paid so high as to tempt him to settle down for life in a genial and easy post. We want an active, zealous younger man who has a name to make and aspires to a more important and lucrative situation, to do justice to the office."

6. It will be observed that I consider the salary of the Sub-Collector grade, with some addition, would suffice for the administration of the Hills in the ordinary course, which would leave ample funds for the organization, but I cordially concede the desire of my Honorable Colleagues to maintain the salary of the Civil officer—provided he be the sole Covenanted officer—on the Hills at the rate now allowed to the Commissioner and beg to support this part of their recommendation.

7. I attach however much importance to the appointment of a Native Tahsildar and Taluq Magistrate of the higher class. There is a Deputy Tahsildar at Coonoor with jurisdiction over Mekenad and Paranganad. But it must be borne in mind that probably more than half of the population of the District are native agriculturists and nomad and Hill tribes, and I am satisfied—the extraordinary difference in cost apart—that the native agricultural population are entitled to the supervision and sympathy of a superior native Revenue official and his office establishment to transmit the business with, and that it is neither politic nor fair to bring them on mainfold occasions and on trivial (perhaps yet to them important) matters face to face with the Commissioner, or Collector and Magistrate of the District and his more or less europeanized office as the sole Revenue official of the country, and with European Magistrates on all sides. I fear lest anxiety about the moderately numerous European section of the population may lead to losing sight of native interests and sympathies. Under this arrangement almost all the miscellaneous and more important revenue duties now performed by the Commissioner together with the stamp, cashkeeping, and other work of a Taluq Sheristadar, which is now devolving on his Assistant, would almost entirely disappear and be done by suitable and cheap agency—thus leaving the former more than ample time for such work and supervision as properly belongs to an officer of his standing and salary on these Hills.

As per Census of 1871.

Hindus	42,451
Mahomedans	1,936
European and Eurasians	2,135
Native Christians	2,935
Others	44
Total ..	49,501

8. It will thus be seen that the whole matter was most carefully rediscussed while I presided in Council in 1875. My Honorable Colleague during this time—the Hon. Mr. Hudleston—while he advised, with reference to the condition of the Covenanted Service, the interest of the Hills and demands of the position, that no reduction be made in the salary of the Chief Civil officer on the Hills "was not disposed to urge the retention of the Commissionership on its present footing," and concurred "that one Covenanted officer of superior standing would be sufficient. I would abolish the post of Assistant Commissioner altogether, which would effect the desired economy."

The Hon. Mr. Ellis also remarked :—

"If the Government reject the proposal to annex South-East Wynaad and resolve to curtail the present cost of the Neilgherry District, I would then adopt the Hon. Mr. Hudleston's proposals ***; under this combination the office of Assistant Commissioner would be abolished."

The subsidiary arrangements for the management of the Neilgherry District which my Honorable Colleagues then suggested would have in more respects than one my cordial support at this moment; but as they do not affect the question before Government—viz., the fulfilment of the expectations held out by Lord Hobart's Government—they need not be further quoted. But the fact remains that the resolution of the previous Government in respect to the feasibility of reduction of Covenanted Agency in the Neilgherry District as it at present stands, was re-affirmed by the two Governments of the day, of both of which I was a Member. This must furnish my apology for venturing now to differ with my Honorable Colleagues which I heartily deplore.

9. The resolution has not been carried out, in the main out of consideration for the present incumbent whose retirement was fully expected when the modified resolution of 1874—providing future equal retrenchment—was submitted to the Government of India; and I venture still to hold that it should be effected at once now that his retirement has become a fact, and additional expense has been incurred in restoring the Special Moplah Assistant to Malabar for fully two-and-a-half years under the considerate anticipatory permission of the Government of India.

10. If further relief to the Civil officer on the Hills be really required in respect to revenual duties, I venture to recommend as a sound measure of administration the immediate transfer of the Cinchona Plantations and of the gardens at Ootacamund to the Forest Department. As respects the former, the woods and sholahs of the whole range—including the Kundahs and those in the Neddiwattam—have already been transferred to the Imperial Department, because their administration by the Civil officer had produced a serious deficit; and there is a full scientific and professional establishment on the Hills for the supervision of subordinates in charge of the Cinchona Plantations amongst other duties. The head of the Department—a scientific Botanist and Arboriculturist—has his headquarters on the Hills and resides there for several months of the year; and the Forest officer, with a circumscribed charge as compared with his immediate predecessor, also resides almost permanently on the Hills—the Cinchona Plantations being more or less in the direction of his charge at Mudumallah and peculiarly accessible to him. It did not matter while the late Mr. McIvor was alive who supervised the professional working of this experiment, although he (Mr. McIvor) complained—possibly not altogether without reason—of the measures taken by the late Commissioner in respect to them; and I do not myself think that the harvesting of bark has latterly been sufficiently attended to pending the proposal to purchase the gardens made by Mr. McIvor's partner Mr. Money; but now that Mr. McIvor is gone, I confess that it is of real importance to place this important matter in professional and strictly responsible hands. The gardens at Ootacamund, Coonoor, and Burliar would be advantaged by scientific superintendence and closer supervision by the change.

11. If the Commissioned Town Magistrate requries relief as respects the European Jail, I submit that we have two Medical officers at Ootacamund with little or nothing to do during six or eight months of the year and not overworked during

the three or four months of the visiting season. Further, the headquarters of the Inspector-General of Jails is at Ootacamund throughout the year, so that the European Jail and the small (partly temporary) Native Jail might also be usefully entrusted to a Medical officer's charge.

12. Again I venture to think that the management of municipal matters in Ootacamund has long been permitted to burden unduly public time and finance. The Commissioner is the President and his Assistant Honorary Secretary to the Ootacamund Municipality; and practically nearly the whole work is thrown on these State officers. The Judicial position of both obviously imports incongruity into these functions; but further, from a financial and administrative point of view, the thing is, I venture to think, wrong. Ootacamund is a town with a fair number of European and East Indian residents of position, some of whom would and should be able efficiently to manage their municipal matters through their Vice-President under the President's advice. Ootacamund enjoys more than liberal subsidy from the Provincial Funds provided by the State, and employs the time of the Engineer and Medical Officers. Still the present European residents do, I fear, little for themselves, and the State practically maintains, besides the President, the really working man whose time is unduly occupied with matters which others should do. The residents I venture to think should be left, in the interests of the State and sound Municipal management, to find their own working staff. Or if an official Honorary Secretary or Vice-President be required, clearly the Commissioned Town Magistrate and not the District Magistrate is the proper person to be charged with these duties. The single Covenanted officer who, I still venture to think, should constitute the future Covenanted establishment of the Hills would be *ex-officio* President of the Municipality as well as of the Local Fund Board and aid in their administration as he does at Coonoor.

13. The repeal of Act I of 1868 (Madras) would here also I think prove convenient. In no other part of the Presidency is the Civil and Sessions Judge *ex-officio* the President of the Municipal and Local Fund Boards of his Judicial charge, and the Magistrate of the District excluded. The former functions appear incongruous and probably cannot work smoothly. The reverse works well elsewhere. The peculiarity of the position is perhaps sought to be overcome in the station of Ootacamund by electing the District Magistrate to be Honorary Secretary and practically the executive agent of the Municipal Commission, but the law does not recognise the position, and the Vice-President and not a Covenanted Honorary Secretary is the proper person to manage the establishment and exercise more immediate control over municipal matters. The whole thing has a costly tendency and is fraught with undue interference.

14. I still therefore submit that there is no such change in circumstances of the Hill charge—so easily relieved if necessary—as induces me to withdraw from the first resolution of Lord Hobart's Government in 1874 acquiesced in as it was by the Government over which I had the honor to preside in 1875—viz., that there is no sufficient work—under proper subordinate organization—for more than one Covenanted officer of the highest grade. And experience shows that the second officer—who is also an officer of a higher grade—is superfluous, and that the repeal of Act I of 1868 (Madras) will not be inconvenient. I therefore still venture to hold that the retrenchment offered in order to justify this Government in replacing the Moplah Taluq Special Assistant in Malabar may stand good without disadvantage.

15. It is however expected that by annexing a portion—say one-third—of the adjacent Malayalum Taluq of Wynaad, known as South-East Wynaad, to the Tamil Commissionership, sufficient work will be found for the Hill Establishment of Covenanted Agency on its present footing; and that the operation of Act I of 1868 (Madras) may be extended without disadvantage to that Malayalum District. I will notice later on the serious considerations against this proposed further dismemberment of that Malayalum Taluq of Malabar as they present themselves to my mind. I will merely now notice the financial and administrative difficulties which seem to me to exist. I confess that I entertain no doubt that the area, population and importance of the proposed annexation—now the jurisdiction, I believe, of a single Native Sub-Magistrate and Deputy Tahsildar and one-third of a Deputy Collector's Civil, executive and supervisory charge at the present moment (both having Civil Court functions)—must fail to realize this expectation to an extent which will justify an arrangement which must, I fear, be viewed financially, as conceding to this small tract a special Covenanted officer of the grade of a Head Assistant Collector and Magistrate. I am unable therefore—the result of large local experience and of local official advice—to join in this unreasonable assurance. The transfer of the Neddiwattam Plateau in 1858 and 1863 and of the Ouchterlony Valley in 1872 from Wynaad to the Neilgherry District, have alike failed to provide the necessary occupation for two Covenanted officers on the Hills, and I do not anticipate any dissimilar results from the limited further annexation proposed. We have before us a statement of the work of the *entire* taluq of Wynaad (Civil Court jurisdiction included) which is now under the charge of a Deputy Collector (for whom it may be expedient to substitute a Covenanted officer). The work is clearly very moderate; and the Collector states "the work of the entire division is just about sufficient for one Deputy; and two Deputies" (the employment of whom the Government had suggested for his consideration) "would not find sufficient employment." In reviewing the statistics of criminal work of the subordinate establishment he observes that "it is manifest that they are not overburdened with work," while he holds the civil work to be "a comparatively very small task for one District Munsif." In my judgment he is quite right. The entire Taluq may furnish work for an officer of the standing of the Assistant Commissioner, but extended jurisdiction over one-third of it is not likely to provide sufficient supervisory or other work for the superfluous Covenanted officer on the hills. We cannot of course judge far into the future; but I see nothing in the present to justify a prospect of adequate employment from this limited annexation. I would not therefore continue, under existing financial difficulties, the large expense on the Hills in this unfounded expectation. Further, Malayalum office establishments in connection with the Hill Courts will have to be provided; for the Tamil Courts of Ootacamund will require Malayalum Translators and Attendants, Malayalum Registrar, &c., when their jurisdiction is extended over that nationality.

16. I need scarcely add that it is my opinion that if the special jurisdiction of an European Covenanted officer be required and is to be maintained in the main for the limited tract proposed to be annexed or for Wynaad generally, his presence as a resident amongst the Native and European population and their institutions and requirements, will prove more convenient and beneficial in every respect than a share of the time and attention of the Magistrate of the District of the Neilgherries and of the Commissioner and Civil Courts stationed at Ootacamund, even although their spare time may be considerable. I may here advert to the opinion of the late Commissioner quoted in

paragraph 5 of this Minute, and I have no doubt that the opinion of all experienced local officers and residents is in the same direction.

17. I venture also, with much deference, to think that from a financial point of view, this Government is hardly at this moment in a position to submit proposals to the Government of India and Secretary of State for arranging the somewhat costly administration of this limited portion of the Taluq of Wynaad, until its administration *as a whole* has been considered. I venture of course to assume that the annexation of the whole Taluq would scarcely now be advocated in the face of the strongly pronounced aversion of the native proprietory and inhabitants, the divided—*vide* letter, dated 10th August 1876—opinion of resident Europeans, the views of such capitalists as Hindes and Co. of Calicut, and the judgment of local officers of Malabar. But this Government has before them at this moment—in reply to the earnest call, which has been cordially entertained by Government for some time, for better administration of the *entire* Taluq of Wynaad (now largely occupied by European Planters)—well considered proposals, dated 24th November 1875, for re-organization of its service throughout. The Collector—while proposing a modified arrangement at an increased cost of upwards of Rupees 5,000 a-year—in deference to suggestions made by Lord Hobart's Government in January 1875—recommends the employment of a Covenanted officer in the position of Head Assistant to the Collector, of Malabar as the most suitable administrative disposition for the whole Taluq. He states—

"If I am allowed the services of a competent officer, and if that officer is relieved from Civil Judicial work, I shall feel perfectly competent to administer the whole of Wynaad." (Note, date 29th January 1876.)

And there is no doubt that the majority of the planters of Wynaad, beyond South-East Wynaad who seek annexation to the Covenanted establishment of Ootacamund, will be found to hold the same view. The suggestion was not unfavorably received by the Members of Government, who discussed it in November 1875 and acquiescence seemed probable. I am personally strongly in favor of this arrangement and think that it will meet every requirement in the best manner feasible, if the Government of India and the Secretary of State will concede it in the interest of the whole Wynaad District. I must therefore confess that I view with great regret the proposal to dispose of the matter of South, East Wynaad at the cost of retaining the Assistant Commissionership of the Hills, before the question of the administration of Wynad *as a whole* is finally discussed, and a resolution come to by this Government preparatory to its submission also a to the Government of India. Better administration is urgently and equally required in what will remain of Wynaad—by far the larger and more populous* section—to Malabar. Increased expense will I think be expedient, and I fear that if we incur needless outlay in maintaining a costly Covenanted establishment, with inadequate employment on the Hills, the fact will stand in the way of meeting the reasonable claims of the Wynaad District as a whole; and we shall have to face financial difficulty in the way of needful improvement in the general administration of Wynaad. I have ventured therefore to hold that the two subjects should be disposed of together, if the administration of any part of Wynaad is to affect the question of Covenanted establishment on the Neilgherry District. If kept separate, the solution is easy and the reduction of the

	Population.
*North Wynaad	41,984
South Wynaad	47,015
	88,999
South-East Wynaad*	37,347

* This includes the Ouchterlony Valley where immigrant labor for 4,000 acres of plantation is present.

superfluous Assistant Commissionership on the Hills will at once nearly provide—leaving the Moplah Special Assistantship out of consideration for the moment—all that need be solicited for the whole District of Wynaad. I anticipate financial complication from fragmentary disposal of this matter, while I see no sufficient work for a Covenanted officer on the Hill establishment in South-East Wynaad.

18. I am constrained to record that I see serious objection to extend the operation of Act I. of 1868 (Madras) to any part of Malabar, where the union of the Magistracy with the functions of the Collector have existed from 1816 and is especially needed; while social conditions of its races, the state of its landed property and its tenures, all the relations of those connected with it, as well as the peculiarity of the local common law and social usages which govern these, render the union of the functions of the Collector and Civil Judge and of Judicial and Revenue functions throughout all grades of the service highly inconvenient and more or less unworkable. It is not necessary here to advert to the principles which make the existing legal conditions of this Presidency in this respect the most advisable and intelligible to the people under any circumstances, and their maintenance, where possible, expedient; their traverse has been actually tried in both districts under consideration—entirely on the Hills and partially in Wynaad—where certain civil jurisdiction has been conferred on the Collector and Magistrate's local subordinates for some years past. The result is not, I venture to think, favorable in either place.

19. The views of the late Commissioner of the Neilgherry District are quoted in paragraph 5 of this minute, and are clearly not favorable. Even on the Hills he considered that the provisions of Act I. of 1868 are "less suited" to existing conditions than is desirable, and held that, if his jurisdiction were extended to South-east Wynaad, the separation of Revenue and Judicial functions and establishments "would greatly add to the efficiency of the administration." I think that the justice of this view is increasingly confirmed by experience even within the small jurisdiction of the Commissioner. The suits which have arisen since the annexation of the Malabar portion of the plateau to the Ootacamund Civil Court in 1858 and 1868, in which the Government has been defendant, could not be tried before their executive representative on the Hills in 1868 to 1870. The protracted litigation which is in prospect in respect to the proprietorship of the Ouchterlony Valley annexed from Wynaad to the Commissionership in 1872 and the rights and allegiance of the numerous European tenants holding directly or indirectly under the Native Zemindar of Malabar, (who is in possession,) clearly cannot be taken judicial cognizance of by a Collector-Commissioner, who has the decision of Government on the whole matter at issue,—viz., that Government is the proprietor of the whole,—to guide him. And we have at this moment before us the incongruous condition of the Commissioner—placed as above stated in his revenue capacity—trying a suit filed by the hitherto-acknowledged Zamindar of the Ouchterlony Valley—at the instance probably of one of his European tenants—to oust another European occupant who attorns to another alleged proprietor, while neither of the contending proprietors nor the European tenants recognize the decision of Government which the Civil Judge as Collector is required to conform to. Other illustrations of the inconvenience—likely to be a growing one—noticed by the late Commissioner as respects even his hill jurisdiction may, I believe, be drawn from the files of this Court; but these suffice to show that further extension into Malabar of the provisions of Act I. of 1868 is neither advisable nor likely to promote smooth working and harmony, or to

justify confidence amongst the Malayalum inhabitants. The moment Malabar conditions are touched, by Act I of 1868, confusion occurs.

20. The views of the experienced officers of Malabar also as to the unsuitableness and inconvenience of the legal distribution of functions inherent in Act I. of 1868 (Madras) are well pronounced. In writing in 1872 of the periodical visits of the Small Cause Court of Tellicherry to Wynaad, Mr. Macgregor observed :—

"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. * * * "It would seem advisable that for the decision of land suits for sums exceeding those cognizable by Small Cause Courts, the nearest Munsifs' Courts should be resorted to."

21. Mr. Logan, the present Collector of Malabar, when noticing in his re-organization scheme for Wynaad (November 1875) the existence of complaints in respect to delays in the transaction of business in Wynaad, writes :—

"I am not at all sure that the delays are not mainly attributable to the fact that the present District Munsifs have also to perform revenue and important magisterial duties, to the performance of which everything else must give place."

Again :—

"It is a retrograde step not to separate the Civil Judicial Department from the Criminal Judicial Department when the step is feasible as it is, I maintain, in the present instance."

And, with reference to the increasing number of *regular* civil suits on the files of Revenue and Magistrate's office, he observes :—

"In the latter" (1872) "of the two years the effect of the enhancement of value of District Munsif Court Suits was fully felt as will be observed on reference to the increase in the number of *regular* suits on the files. This enhancement of the value of suits ought to have taken place contemporaneously with increased efficiency of the Civil Judicial Staff, whereas I am on the other hand fully convinced that neither the present organization nor that proposed" (it had been suggested by Government to appoint an additional Deputy Collector and Magistrate with civil jurisdiction) "can ever be expected to work smoothly. Civil cases require for their proper disposal a large amount of calm, careful, and painstaking attention, and it is quite out of the question to expect officers who are liable to be called off at a moment's notice to investigate a murder or a dacoity to be able to afford the necessary time for civil work."

And he suggests the establishment of a Central Munsif's Court for the exclusive disposal of civil business, adding—

"I am of opinion, after careful consideration and after consultation with the Judges of North and South Malabar, that the increased efficiency of the Court would do more than counterbalance the above disadvantage" (somewhat increased distance for suitors to travel to Court), "and it must be carefully borne in mind in coming to a conclusion on this point that the Wynaad of to-day is a very different country to the Wynaad of the time when the Magistrates were invested with civil jurisdiction" (some years before).

The conclusion he arrives at is :—

"That the Judicial Civil and Judicial Criminal Departments should be separated, one District Munsif being newly appointed for the whole taluq and posted at Vythery."

In discussing the annexation now under consideration in his note dated 29th June 1876, Mr. Logan writes :—

"If I am allowed the services of a competent officer, and *if that officer is relieved from* CIVIL *Judicial work*, I shall feel perfectly competent to administer the whole of Wynaad. If, on the other hand, Wynaad is annexed to the Neilgherries, the CIVIL jurisdiction of the taluq should be made over to an officer of the standing of a Sub-Judge, and appeals from his decisions, which would not, in the ordinary course, lie direct to the High Court, should be referred by the High Court to the District Courts of North and South Malabar or to the Commissioner at Ootacamund according as the parties might wish. The Sub-Judge would, of course, be more highly paid than a District Munsif, to whom, if Wynaad remains in Malabar, I have proposed to hand over all CIVIL Judicial work within his jurisdiction."

I may here observe that this uncertain and curious expedient—itself an argument against needless, more costly, and unacceptable change—would not work or satisfy. Honest Malayalum parties would almost invariably seek transfer to competent and experienced Courts out of Ootacamund, and leave no work there. He then continues :—

"If Wynaad remains in Malabar, I cannot too strongly press on the view of Government *the perfectly unanimous* and, curiously enough, *the independently-formed* opinions of the three Collectors (myself included) who have had charge of the district since 1862. We have all brought prominently to notice the *incongruity* of a Revenue and Magisterial Officer performing also CIVIL *judicial* work. That system acts well enough when there are no laws as when a country is first subjugated, but all the ordinary Acts and Regulations apply to Wynaad, which for seventy years has been a settled country. The organization of Wynaad hitherto has, therefore, been imperfect, and I feel confident that, if administrative officers are relieved of their *Civil* Judicial functions and their head-quarters properly selected, the planters will have no cause to complain."

In the discussion of Mr. Logan's re-organization scheme (November 1875) the Members of Government, who took part, recognized the force of the reasons adduced for the separation of Civil Judicial work and Magisterial and Revenue work in Wynaad, and the separation is under contemplation. And I am constrained to add—as the result of long personal experience and acquaintance with the conditions and laws of the country—that inference and the practical results of the trial already made could not possibly lead the local Judges or experienced Revenue Officers to any other conclusion than that the union of functions which the extension of the legal conditions of Act I. of 1868 (Madras) will make law in a Malayalum District, is unadvisable; and must lead to increasing confusion wherever complicated Malabar relations exist, and increasingly so.

22. Then as to minor details of administration within the new annexation, the Hill District fails most seriously to meet from local resources the expense of Roads, Education, Sanitation, &c., &c., and constitutes a very heavy charge on the Provincial Funds contributed from the revenues of the State. Wynaad generally—South-east Wynaad takes its full share—is in a similar predicament and mainly depends in the same respects on the richer local resources of Malabar, which is itself an undue burden on Provincial resources. I can, therefore, anticipate nothing but great confusion and deterioration as respects local services from associating two bankrupt districts of a specially costly character under the Commissioner of the Neilgherry Hills. Then as to administrative establishments, I confess that I anticipate very great difficulty on the part of the Commissioner in maintaining suitable officers for the administration of justice, &c., within the annexed district, well knowing as I do from experience the great difficulty that even local heads of departments in Malabar—with the whole Malayalum service to choose from—have in maintaining the public service

in Wynaad and especially in South-east Wynaad. He will be forced to Europeanize it to an objectionable and unacceptable extent. The Engineer on the Hills and his office have now more to do than they can overtake, and the addition will prove inconvenient and costly. The Police—a very moderate establishment suited to the easy requirements of the range—of the Hills are under the superintendence of the officer attached to the Tamil District of Coimbatore. How he is to organize a Malayalum force and superintend it in South-east Wynaad, where the Police force even now can only be kept up by reluctant drafts from the low country of Malabar, I do not see. Malayalum Registration must be organized on the Hills; Malayalum Interpreters, &c., entertained; and so on. In fact I anticipate both serious difficulty and increased cost from the change, which will not be recouped by any advantage derived from it; and these points remain undisposed of in any Proceedings of Government that have come under my notice in this discussion. Their disposal should precede the recommendation to the Government of India.

23. As well, therefore, from a financial as from an administrative point of view I am constrained to dissent from the annexation of South-east Wynaad to the Neilgherry District in the expectation that the measure will provide a sufficient or suitable addition to the occupation of the Covenanted Establishment proposed to be continued on the Hills, or prove convenient in any respect.

24. But there are other features which merit, and have hitherto had, the consideration of Government in this matter. We cannot hope that the confidence of those so deeply interested as are the proprietors, tenantry, &c., of this by-no-means unpeopled or insignificant district in the administration of Malayalum common law—so peculiar, local, and tribal in its character and yet so dear to the people—and national usages will follow their transfer to the jurisdiction of a—to them strange and foreign—Tamil Court presided over by a Collector-Judge under circumstances which seriously enhance great initial disadvantages attending their resort thereto. Every officer of experience who has ever discussed this matter through a considerable range of years has concurred in this view of the inexpediency change; of and successive Governments have recognized it. And I confess that I most cordially share the most recently-penned views of such experienced judges as the present Collector of Malabar and the Hon. Mr. Hudleston. The former writes :—

"The manners, customs, and landed tenures in Wynaad are similar in all respects to those of the low country of Malabar, and my strong point is that those manners, customs, and tenures could not be properly interpreted in courts of which the official language is Canarese or Tamil. It is difficult to find an exact parallel; but, if one could imagine an Englishman (knowing nothing of German) endeavouring to establish some intricate point of English landed tenure before a German Court of Justice, one would not be drawing a far-fetched parallel. There are hundreds of Malayalum words which, so far as I am aware, have no equivalent at all in either of the other two languages. These words express fine shades of meaning" (rather of local land law and custom) "which it requires a Malayali or one who has had *years* of experience in the country thoroughly to understand. The customs, manners, and landed tenures of the Malayalum-speaking people *must* be interpreted in Malayalum Courts of *civil* jurisdiction, and I consider I should be failing in my duty to the native population if I failed to express a strong opinion that the annexation of any portion of Wynaad to the Neilgherries without adequate provision having been made to this end would be doing a great injustice to the people" (note dated 29th June 1861).

Mr. Hudleston—an experienced judge of West Coast conditions—notes :—

"I think it right to confess myself that I am very doubtful of the intricacies and nicetics of Malabar questions being adequately appreciated out of Malabar, or at least by officers who

have not had practical experience in Malabar itself which they can bring to bear on their consideration elsewhere. I should as soon expect a French Court to decide satisfactorily a question of gavelkind from Kent. In Malabar among Malayalese the whole atmosphere and surroundings are favorable to right appreciation or at least to the correction of wrong appreciation. Away from such surroundings or, in the absence of acquired local experience, I doubt if such right appreciation be possible" (note dated 29th June 1876).

Throughout my long official life I have never met a person of experience—European or Native—who would not cordially endorse these forcible expressions.

25. Now there is not a respectable—probably scarcely one of any kind—Malayalum resident on the Hills, nor a caste-man's home or temple, to which the peculiarly caste-trammelled races of Malabar can resort within two or three days' journey of Ootacamund. None will ever settle. There is not about the Courts—possibly not on the Hills—a person who can read, write, or speak Malayalum and knows Malabar law, usages, or social customs. There is not a Malayalum Vakeel from whom advice can be sought, and it may be safely predicated that none will be tempted by a small casual practice to settle in this strange and uncongenial land, whither even the Moplah cooly resorts with great reluctance. There is no native bar of any kind or language at Ootacamund, and the few Europeans who practise—from want of success in Madras or other causes—on the Hills are in more instances than one connected with the tract in question as reluctant tenantry of native proprietors. I confess that with such surroundings I should feel diffidence in administering Malabar law at Ootacamund—my long familiarity with it notwithstanding. It is obvious too that the transfer must entail largely-increased expense and inconvenience to the natives of a poor part of the country who may have to attend at the head-quarters of their district in connection with any official business. To my mind the conditions we present for their acceptance are not fair to them and cannot be made so.

26. Malabar is a Proprietary or Zamindari District by immemorial inheritance (*Jenmom*), and the Common Law of Landlord and Tenant (*Jenmom-Kanom-Mariyadi*) is intricate and peculiar, and affects all grades of its rural society in varied ways. It is strict and no doubt irksome in some respects—more especially to European tenantry—but it is jealously conserved and its administration watched with great anxiety. It is not, I believe, reasonable to expect that a Malayalum people can accept without fears the transfer of jurisdiction over such matters to courts which to them are strange and unsuitable at the solicitation of their foreign tenants—avowedly alone and antagonistic in their agitation. They anticipate—and I confess that I and others of experience sympathise with them—possible prospective pretensions and contentions with their tenants which unchanged conditions will repress in the bud. I hold earnestly that these things should be left to local courts under the supervision and control of the experienced Civil Judges on the Coast, and to a Malayalum bar and public opinion. This property—and possibly race—contention should rest where it is, for change may prove hazardous and resentful, and is deprecated by a party deeply interested in its possible consequences.

27. There is something too—viewed from a Malayalum stand-point—in what has followed, and perhaps in part promoted, the successive dismemberments of this proprietary taluq of Wynaad which have already taken place in 1858 and 1863 (the hill portion of the Nambalcode Amshom) and 1872 (the Ouchterlony Valley), which naturally stimulates Malayalum apprehension and in its degree accounts for strong native aversion to further change in this direction. Malabar is, and has been, recognized

as an ancient hereditary (*Jenmom*) Zamindari District within whose ancient land-marks the State has asserted no ownership of land save under title of escheat or other direct and recognized title paramount. In the case of the first annexation the Malabar claimant Zamindar of the Nambalcode Amshom or District, as it had been recognized for more than half a century by our Government, has unsuccessfully contested the occupation of land on the plateau for Cinchona plantations and sale to European applicants for plantation purposes; and, as a sequel of that protracted and costly contention, Government have determined to contest the rights of the Zamindar in possession and others under whom the European tenantry of the Ouchterlony Valley annexed in 1872 now hold. The contention so far as it has gone (1866 to 1870) has been adjudicated in the Civil Court of Malabar and the protracted litigation which is apparently in prospect with claimant proprietors and their European tenantry in the Ouchterlony Valley annexation will have to be transferred thither also, for the Collector-Commissioner of Ootacamund, with the extra-judicial decision of Government to guide him in this matter, cannot perform the part of Civil Judge under such circumstances. But it is impossible to hide from ourselves that, with these things before them, there exists some real cause for the popular anxiety about, and aversion to, further dismemberment and transfer on the part of our native landed proprietary and inhabitants of the country; who in the mean time see forest, mining, plantation, and other State and European questions arising in varied forms around them, and anticipate—rightly or wrongly—having to appeal to a Tamil and inexperienced Court on the Hills under great and obvious disadvantages. I am quite satisfied that it is better not to interrupt immemorial, and I may almost say *national*,—for Malabar is a distinct, though small, and worthy nationality—conditions under which our native subjects are contented and trustful. And I do so with confident assurance that State rights—which under the circumstances cannot be decided on at Ootacamund—are safe in the hands of local judicatures in Malabar.

28. If relief be required on the Hills to enable its sole Collector and Magistrate—as I would wish the Commissioner to become—to overtake the work which the retrenchment promised by Lord Hobart's Government will leave him, it might with advantage be sought in restoring the avowedly tentative annexation of the Ouchterlony Valley in 1872—with its now anxious prospects and legal confusion—to an improved administration of the undismembered taluq of Wynaad, to which it has properly belonged—with such Malayalum Hill races as ranged its slopes—for ages before and for three-quarters of a century of British rule. Lord Clive, in 1801 refused separate any part of Wynaad from Malabar.

29. Holding convictions—the result of now a lifetime's familiarity and sympathy with the things which I am discussing—such as I have endeavoured to explain, I confess that I viewed with extreme reluctance the re-agitation—with its intensified race contention—of the annexation of South-east Wynaad to the Commissionership of the Hills during the time I presided over the Government of this Presidency in 1875. The matter had practically been most carefully canvassed through quarter of a century and rejected by successive Governments—by Lord Harris' (so far as the principle is concerned) in 1858, by Lord Napier's in 1872, and by Lord Hobart's in 1874—for reasons which I have endeavoured to recall. Only a few months before Lord Hobart had affirmed the unanimous advice of his Council in the emphatic words: "the reasons, as explained by Mr. Robinson, are conclusive against the proposal" (to annex South-east Wynaad to the Neilgherry Commissionership) "which indeed seems

preposterous on the face of it," and his Honorable Colleague Mr. Sim added "even if there were room for a doubt such a measure could not be introduced without ascertaining the wishes of the native proprietary and population, and the result can be easily divined." The matter, it was then hoped, was definitively set at rest by G.O.,* 28th December 1874, No. 2357. I, therefore, deprecated earnestly, and still very deeply regret, that occasion was however again taken by the Planters of South-east Wynaad to evoke the antagonisim of supposed interests and opinion, and incidentally of class, amongst Europeans and Natives alike, in Wynaad generally, and hostile sympathy in Wynaad and throughout Malabar, and in its degree everywhere else—for I regret to find myself constrained to record that this matter has by the action of our countrymen, sympathising newspapers, &c., become in its degree a class-question. It is an European suit in respect to which it is not even asserted that any native in or out of Malabar is otherwise than strongly and anxiously hostile and jealous.

* "Memorialists will be informed that His Excellency in Council has fully considered their proposal for the annexation of South-east Wynaad to the Nilgiri District, and must decline to accede to it."

30. Its revival is, as it appears to me, a consequence of a local agitation amongst the residents, dealers, and subordinates of the Commissioner (the late Mr. McIvor was the spokesman of the deputation which waited on me with their petition) on the Hills in June and July 1875 which was directed against the resolution of the Government of India to reduce, in accordance with the second and modified proposal of Lord Hobart's Government, dated 25th September 1874, the salary of the Commissioner to Rupees 1,200 a-month; and the extension of jurisdiction readily resuggested itself—indeed it was mentioned by the deputation that waited on me on the 21st July 1875—as likely to provide adequate employment for the entire Covenanted Establishment of Ootacamund on its existing footing. The agitation soon extended to South-east Wynaad—where influential residents in Ootacamund have plantations—and beyond it, and at length involved apparently the whole European residents of the Wynaad Taluq. Meetings of planters' associations have been held in various parts, petitions and counter-petitions in respect to the annexation of the whole taluq to Ootacamund have been received, and the Europeans interested in South-east Wynaad have probably unanimously again pressed their rejected suit on Government by petition and deputation. In the mean time the wishes of the native proprietary and population of the wide locality proposed to be transferred have been ascertained through the Collector of Malabar and submitted by petitions and deputation—the Tirumalpad of Nellambur in Malabar, one of the largest proprietors both above and below the ghauts in the country, accompanied it—for the consideration of Government.

31. The petition of the South-east Wynaad Planters is not by me while I write, but its spirit is probably not inappropriately embodied in the following two resolutions of the small (two or three) sympathising majority—the minority deny that there was a majority—of the Planters Association of Wynaad, the result of a meeting held at Manantoddy on the 7th July 1876, and embodies the objects desired by annexation of Wynaad to the Ootacamund jurisdiction:—

(1.) "The establishment of a planting district in which there would be no strong conflicting interests; at any rate no native ones."

(2.) "The increased attention which would be given to all planting interests by Government, when properly represented by a Commissioner in whose district those interests were so important as to overshadow all others."

The covering petition to Government perhaps puts matters in a still stronger light. The minority, including some very old and influential names in Wynaad, deprecate earnestly annexation to Ootacamund as adverse to their interest and likely to cause neglect of plantations under European management by absence at Ootacamund; they urge improved local administration, while both majority and minority concur in their desire to have a local Covenanted Officer stationed permanently amongst them in Wynaad District as a whole.

32. As regards the somewhat exaggerated, as they seem to me, claims put forward in these European petitions for European interests with depreciation of those of the native population of the district as respects plantation and other industry in Wynaad generally and especially in South-east Wynaad, I may observe that the planters of South-east Wynaad—the annexation or administration of the whole taluq is not the question—are probably almost without exception tenants, under leases of one kind or another, of native proprietors who have liberally ceded to them land for plantation purposes, and generally on much more favorable terms than native land usages contemplate and that they allow to native competitors for occupation. No instance is quoted or even suggested of hard dealing or obstruction on the part of any native proprietor by their European tenantry. The complaints of European planters in Wynaad which chiefly directed against the auction system or other obstructions they meet with when they seek land—the property of Government—for their enterprise. And I confess that I am unwilling to prefer the wishes of immigrant tenants of any nationality to the decided feeling and interests of the ancient and reasonable proprietary of the country who earnestly oppose disconnection with their old nationalties and district.

33. Then as to relative occupation of land—admitting the enterprise and industry of our countrymen—the area* occupied by the European and East Indian planters of South-east Wynaad together forms but a fractional part of the property owned by some thirty great native proprietors (*jenmis*) over perhaps 250 to 350 square miles (including Government Escheats, &c.,), nor is the area of occupation or the agricultural industry of the native owner-farmers—the Deputy Collector estimates them over 100 in the tract under consideration—and tenants of larger proprietary by any means inconsiderable, and they are rapidly extending. There are some 1,300 native occupants of land in the tract, and they have 4,320 acres† of assessed land under cultivation, which does not include the area of those unassessed crops which constitute no unimportant constituent of the food of the people. They are the food grain of the population, while native plantation (coffee) industry is rapidly extending throughout Wynaad—and particularly in the Gudaloor District of South-east Wynaad—and bids fair to emulate European enterprise hereafter. Under these circumstances I confess that I see reason to doubt whether, from an administrative standpoint, European and East Indian tenant interests in the district in question surpass so obviously or so largely the native proprietory and indigenous agricultural interests as is represented; or that the "small culture" of the numerous inhabitants and coffee-planters employs acre for acre so much less labor (chiefly that of the population) and is so far less productive or represents so far less capital—less waste no

Fifty-nine estates (registered in the names of twenty-seven persons) comprising	Acres	4,736
Revenue paid	Rs.	10,051

† *Coffee and other assessed dry crop.*

Cultivation	Acres	1,683
Rice land	"	2,637
	"	4,320
Revenue	Rs.	6,553

doubt—that it may be left out of consideration in this contention. No equitable ground, therefore, for change—offensive to indigenous feeling and interests—is, I think, established by the facts as they present themselves from this point of view. The interests of a numerous and intelligent indigenous proprietary and population advance *pari passu* with those of immigrant settlers, and I think that Government should avoid all appearance of preference.

34. Then as regards other alleged European plantation interests in South-east Wynaad, I venture to question whether any real advantage can accrue from connection with Ootacamund. As already noticed, the LAND on which the industry is pursued has to be obtained from Malabar proprietors—many of whom reside in the low country—with whom all subsequent matters relating thereto have likewise to be transacted from year to year. The change must offend and discourage these, and may qualify their readiness to receive European tenants. If the good office of Government officials between them be required, the Collector of Malabar, who knows them and lives amongst them, is the person to mediate, as he now does, and not the Commissioner of Ootacamund, whom a Malayalum proprietary cannot even visit on these distant hills. No CAPITAL employed in the Wynaad industry comes from Ootacamund. It comes from England, Calicut, and Madras; financial transactions—except in so far as residents in Ootacamund may have personal accounts with the Branch Bank there instead of (or more probably in communication with) the Bank of Calicut—where the finance of Wynaad is mainly conducted—are therefore with the Coast and Madras and not with Ootacamund. The President of the Chamber of Commerce of Madras has informed me that the proposed change is not favored by the capitalists in Madras; and I believe that, had the body he represents been consulted about this measure, their advice would be adverse to the change. The head of the firm in Madras, who are I believe the largest mortgagees of estates—amongst others of all Mr. Minchin's, the foremost promoter of this movement,—in the district of South-east Wynaad and advancers on crop, deprecates the change, and informed me that his wish would be that his mortgagors and managers had not now a plausible reason for absenting themselves from their charges while visiting Ootacamund for various objects. Messrs. Hinde and Co., of Calicut, who are the most largely-interested capitalists on the Coast as mortgagees and managers of estates in Wynaad and coffee-curers, have publicly protested against this movement on the part of resident owners and managers in Wynaad for annexation to Ootacamund. And we have official notice before us of strong diversity of opinion amongst planters and managers in other parts of Wynaad on the subject of annexations to Ootacamund. The real interests of capital and management are, I believe, adverse to the transfer in question.

CROP TRANSACTIONS of South-east Wynaad are almost exclusively with the Coast, whither the roads (constructed at enormous cost) and water-carriage below lead; and the crops are sold, or prepared, packed, and shipped for export, in Malabar. Estate business is, therefore, direct with the Coast, and not with Ootacamund. *Estate supplies* of every kind are naturally landed on the Coast and carried thence inward to South-east Wynaad and elsewhere; their alleged conveyance to any material extent to the top of these Hills and thence down to Wynaad seems questionable. Not a cooly comes from Ootacamund or the Hills, or will visit them willingly, and the expense of prosecuting defaulters at Ootacamund will be heavy. The *labor question* will therefore not benefit by the change. In short I doubt whether any real plantation interests will be subserved by the annexation, and I am firmly convinced that many of the more

important of them must be rudely traversed by transfer of jurisdiction over the tract in accordance with the wishes of a few resident planters at Ootacamund and in direct hostility to the interests and wishes of the numerous native population amongst whom they have settled.

35. I need scarcely observe that every native interest and desire is the other way, and that these numerous interested ones cannot even combine recreation and pleasure with a visit to the future head-quarters of this strange district. The only effective European interests which I think are likely to benefit by the change are those of the few European legal practitioners resident in Ootacamund whose practice amongst the Hill tribes is but limited, and who are doubtless anxious to extend their sphere of labor.

36. On the other hand the native proprietary and principal inhabitants of the district (three amshoms containing some 30,000 inhabitants) to be annexed to the Hills from Wynaad, have very earnestly signified by numerously-signed petitions and deputation their unanimous dissent from the action taken by the European and East Indian tenants of South-east Wynaad and the transfer of their Malayalum country to the Ootacamund District—on the score of strange country and foreign tongue, of their peculiar common law, distinctive usages, and social conditions, of their religion and caste, of health and public convenience, &c., &c. After what I have already recorded, I need scarcely confess that I believe their unanimous objections to this transfer are unanswerable. The soundness of their principal objections, as they appear to me and other experienced persons, may be gathered from what I have ventured to record in this minute of dissent *passim*. As respects religion and caste, we are dealing with a deeply and peculiarly bigoted and fanatical Hindoo and other population in this as in other parts of Malabar, very sensitive and easily wounded in these respects. Malayalum races have not a temple within thirty or forty miles of Ootacamund and probably, under their peculiar and national notions about the land on which their temples should stand, none will ever be built in this strange country. The rigid Malayalum observances of caste are scarcely possible to them in this cold and stranger land where no respectable fellow-countrymen resides within two long days' journey of Ootacamund. As respects health, the Hills are obviously and notoriously shunned by all Malayalum races (even by laborers), and long observation satisfies me that their fear is that which experience teaches. Utter inconvenience is the inevitable lot of any native of Wynaad who must visit Ootacamund on public business.

I deeply grieve to find myself dissenting with my Honorable Colleagues in this matter, but I am wholly unable to take part in a measure which I conscientiously believe will traverse every native feeling and interest in the country which is the subject of it; and excite adverse sympathy throughout Malabar, if not more widely. While I confess that I fail to see any real planting interest which will be injured by refusing to dissever strong local—and to them national—ties which have subsisted from time out of mind in accordance with the determinations more than once acted on by successive Governments.

37. I will close my dissent by endeavouring to sketch the action of successive Governments in respect to these annexations from Wynaad and elsewhere to the Neilgherry jurisdiction. It is unnecessary here to trace the conditions of the ancient Malayalum proprietary taluq of Wynaad at the cession of 1799; suffice it to say that, following possibly the instructions of the Honorable Court of Directors in 1804 in respect

to the then proposed permanent settlement of Malabar with the native hereditary Proprietary (*Jenmies*), "great care was to be observed lest you should interfere with rights which have hitherto been considered inviolable or disturb those ancient boundaries or land-marks which to this time have determined the extent of private property, and by which the proprietors of land have been governed from time immemorial," the district of Malabar continued to include the Nambalcode Amshom of Wynaad with the Malayalum tribes that ranged the slopes of the Hills together with the tract on the Hill plateau known as the Neddiwattam Nad. The inclusion of this latter portion in Malabar was long and vigorously assailed, some quarter of a century later, by the Collector of Coimbatore, to whose district the rest of the plateau was attached, but successive Governments maintained the boundary of Malabar for more than half a century intact in respect to civil and other administration.

38. In 1854 Mr. James Ouchterlony, who had in the mean time become coffee-planter and the tenant of the large tract in the Nambalcode Amshom known as the Ouchterlony Valley under a Malabar Proprietor, was appointed Principal Sadr Amin of Ootacamund in supercession of the District Munsif. It was naturally soon found that there was no work to justify the maintenance of such a Court at Ootacamund, and a proposal emanated from the Judge of Coimbatore, his immediate superior, to annex to his jurisdiction the entire Nambalcode Amshom (including the Neddiwattam Nad of the Plateau) of Malabar, together with the southern slopes of the Hills and a certain tract of low country on the Coimbatore side. The Government were told that the European settlers—they were few in number and Mr. Ouchterlony was the principal one—were unanimous in their desire to come under the jurisdiction of the new Court. An extract of my report as Collector of the District of Malabar on the proposed annexation of the Nambalcode Amshom of Wynaad is appended for facility of reference; the Sadr Court refused to support a proposal to give the Principal Sadr Amin jurisdiction over the tract which comprised his own plantation properties, and Lord Harris' Government decided against the proposals in respect to the entire Nambalcode Amshom in the following terms:—

"The objections are that, by including, to the west of the slopes of the Hills, the Government would render subject to the jurisdiction of a *Tamil* Court, in a country where their laws, language, and peculiar customs are entirely unknown, many hundreds of the people of Malabar, to whom the journey to Ootacamund would of itself, from the difference of climate in the tract to be traversed, prove a very serious hardship and injury."

It is relevant to this discussion to advert to the anxiety also evinced by Lord Harris' Government to avert possible inconvenience to, and ascertain the wishes of, the Tamil inhabitants of the proposed annexation on the Coimbatore side, "since it would apparently be," they observed, "a hardship to oblige the people of the plains to attend a Court on the summit of the Hills whenever they had judicial business."

The Neddiwattam Nad of the Nambalcode Amshom of Malabar however was not peopled by Malayalum races, but sparsely inhabited by Hill tribes to whom the proximity of the Court would prove convenient if required, and it did not probably include the Principal Sadr Ameen's Estates; the jurisdiction of the Civil Court was therefore extended by Lord Harris' Government to the limits of the Hill Plateau in 1858. In 1863 this tract was further transferred to the Collectorate of Coimbatore in the main to remove it from the influence of Malabar Common Law and to foreclose if possible the claims of the Malabar Zemindar of the Nambalcode District in the interest of the Cinchona Plantation opened thereon by Government and proposed sales of land for

plantations within it. This last transaction led to protracted and costly (on both sides) litigation, which was closed in 1870, when the Zamindar failed to establish his right to the tract on the Hill Plateau against the recent occupation by Government.

39. In 1869 a large majority of the Planters in South East Wynaad forwarded a petition through the Commissioner of the Hills requesting annexation of that part of Wynaad to the Hill Commissionership as "our natural head-quarters," and the late Mr. Breeks submitted it with certain administrative recommendations. The Government observed:—

"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."

His proposals were negatived by the Government, who did not, however,

"as at present informed see any objection to the transfer of a portion of that part of Wynaad to the Neilgherry Commissionership. They cannot, however, entertain the suggestions made by the Commissioner in reference to this petition" * * *. 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. Robinson when acting as Collector of Malabar in a letter which he wrote on the subject in February 1857 with reference to a proposal for including the whole, or greater part, of what is now called South-east Wynaad in the jurisdiction of the Subordinate Court then existing at Ootacamund. If, therefore, any part of Wynaad is to be included in the Commissionership, arrangements must be made for the Commissioner and his Assistant holding court periodically at Goodaloor, and, in order that this may not constitute too 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 Tippoocaudoo to the top of the Carcoor Pass, including some of the estates at Goodaloor and the whole of what is called the Ouchterlony Valley."

And a joint report was called for from the Collector of Malabar and Commissioner of the Hills on the proposed line.

In their joint reply these officers repeat their commission:—

"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 Tippoocaudoo to the top of the Carcoor Pass, including some estates at Goodaloor and the whole of what is called the Ouchterlony Valley.' In referring the question for report, however, it is left open to us to suggest another boundary line. 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. 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.

"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. 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 Nambalcode Varnaver, which were sold by a decree to the Nellambur Rajah, and the purchase of which formed the main title on which the Rajah of Nellambur claimed the Pykara and Neddiwattam Cinchona Estates. The suit was determined in accordance with this line so far as it extended to the land then under litigation. The Varnaver 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."

The Government accepted the new line jointly proposed which excluded all native interests except one—that of the Nambalcode Zamindar (Nellambur Tirumalpad) which had already been under judicial cognizance and met the wishes of the European planters so far as they would not clash with the interests of the native inhabitants of the country. The tract now called the Ouchterlony Valley was thus included in the jurisdiction of the Commissionership of the Neilgherry Hills with effect from the 1st September 1873.

40. Some months after, on Lord Hobart's accession to the Government of this Presidency, the proposal for the annexation of South-East Wynaad to the Hill District was again revived by petition submitted in December 1874, and most carefully re-examined by all the Members of Council—with the past actions of successive Governments before them—and finally disposed of as shown in paragraph 29 of this minute.

41. It has again been revived and pressed in the broadest and most distinctive form of class-interest and class-antagonism in connection with the reasonable retrenchment of establishment on the Hills required by the Government of India to meet an essential object in Malabar. And I believe that the only course open to Government is to deal with the question in the spirit of past administrations which have conceded all that can reasonably be asked, but have refused to traverse, at European immigrant solicitation, all obvious native interests and well-pronounced and natural native feeling.

Every reasonable desire of the European portion of the Wynaad population can be more than met by moderate and effective re-organization of the local service, and this needful measure will be advanced by allowing the retrenchment to stand and removing the superfluous European Covenanted Officer at Ootacamund.

W. ROBINSON.

APPENDIX TO MINUTE ON THE NEILGHERRY COMMISSIONERSHIP, DATED 14TH OCTOBER 1873.

Extract from Letter from the Acting Collector of Malabar, to the Chief Secretary to Government, dated 10th February 1857, embodied in Extract Minutes of Consultation, dated 3rd March 1857.

"Such a transfer, on such grounds, would justly be looked upon by those persons of Malabar whose interests are so largely at stake with the utmost distrust and dissatisfaction and would entail great and most unreasonable hardship and unnecessary anxiety on hundreds of those who alone have the right to be termed the 'parties most interested' of the native population and jenmies of the parts to be transferred. They have not been consulted nor even informed. The Sheristadars of this office even seem to have been unaware of the proposal. Malabar is a

proprietary district, and every part of the country is as strictly private property as the soil of Great Britain. There is no Circar (Crown) land or forest waste or other except a few escheats and perhaps the Koondahs."

* * *

"There can be no doubt that the wishes and concerns of these Jenmies, the only parties who can be termed those 'most interested,' should have the first consideration in a change so largely affecting their interest. Their properties are very largely involved in portion of Wynaad at all events proposed to be transferred and their interests many many-fold greater than those of the planters.

"Again there are hundreds of respectable nafives, minor jenmies or tenants under the various complex and peculiar tenures prevailing in Malabar within this tract of Wynaad portion, to whom it would be a most grievous hardship to be obliged to proceed to Ootacamund under every disadvantages for the convenience of a few recently-settled European tenant planters.

"Had these parties been consulted, the result of the proposal would have been different. Most of the jenmies reside in the low country on the Coast. They have no communication with Ootacamund; none are resident there, and nothing would induce one of them to proceed to the Hills, whither even the Moplah cooly resorts with reluctance. They would find great difficulty in inducing even an Agent or Vakeel to proceed thither. There is probably scarcely a Malayalum-speaking man at Ootacamund at this moment, certainly not one of respectability.

"Again the local laws, usages, and customs of the Malayalum people, both as regards their domestic relations *(Maroomakatayom)* and the complex tenures of land ruled by the *Jenmom-Kanom-Maryadi*, are so peculiar and thoroughly local as to be scarcely intelligible to those not long familiar with them, and it is natural that, as far as the principal litigants in such matters are concerned, a transfer would be viewed with the utmost distrust which would leave them to plead these delicate questions before a Court, where the business is conducted in English and Tamil, in a foreign District, where their usages are unknown and where Malayalum Vakeels are not to be met with. No conditions more favorable to the conduct of collusive and ex-parte suits can be imagined."

No. 49. ORDER THEREON, 8th March 1877, No. 601.

The Government of India having by their reply, dated 29th January 1877, No. 17, to the letter from this Government, dated 25th November 1876, No. 2443, indicated their willingness to allow the pay of the Commissioner of the Nilgiris and the appointment of Assistant Commissioner to remain on their former footing, the Governor in Council is now able to deal with the question of the proposed annexation of South-East Wynaad to the Nilgiris which has been repeated urged on the consideration of Government.

2. The local limits of the jurisdiction of the Ootacamund Subordinate Court as fixed in 1858 followed the Ghaut ridge by Sispara, Makurti, and Nilgiri peaks to Neddiwattum and the course of the Pykara and Moyar rivers thence to the junction of the latter with the Bhowani river, thus including a tract of country below the Segoor pass in the Hills jurisdiction.

3. The same local limits were, on the abolition of the Subordinate Court, assigned as the jurisdiction of the Civil and Sessions Court established under Notification, dated 8th September 1863, published in the *Fort St. George Gazette*, dated 8th idem, and on the abolition of the Civil and Sessions Court and the establishment of the Nilgiri Commissionership under Madras Act I of 1868, the jurisdiction of the Commissioner embraced the same local limits.

4. It was increased in 1873 by the addition of the "Ouchterlony Valley" section of South-East Wynaad.

5. The population of South-East Wynaad was stated by the Collector in 1872 at 37,347. The coffee acreage at 6,546 exclusive of the Ouchterlony valley.

6. In 1869 a petition signed by thirty-four landholders in South-East Wynaad prayed that their properties might be included in the Nilgiri Commission, and described the district as bounded on the west by road from Sultan's Battery to the Mysore frontier at Goondulpet, and from Sultan's Battery by Yellakul Hill and the Sholadi river to the crest of the ghaut, and as including, in 1867-68, seventy-six coffee estates of 6,973 acres under cultivation on which about fifty European planters were resident. It stated that they all banked at Ootacamund and drew their supplies thence, and that many of the proprietors resided there, while for any Court business beyond the jurisdiction of the local Sub-Magistrate they had to resort to Manantoddy or Calicut.

7. In dealing with this petition the Government (23rd May 1871, No. 689, Judicial) doubted the practicability of including the whole of the South-East Wynaad tract in the Commission, but saw no objection to the transfer of a part of it, and suggested as the boundary the road from Tippukadu to the head of the Karkur pass, on which proposal they desired the Commissioner and the Collector of Malabar to report, adding that if after trial the addition to the work of the Commissioner did not prove unmanageable it would be easy to add a still larger tract. The opinion of the High Court was also sought on the expediency of the proposed change.

8. The High Court replied that if provision were made for disposing of civil suits at Gudalur no real hardship would in the opinion of the majority of the Court result, the reservation alluding apparently to the suggestion of Government that the Sub-Magistrate who has District Munsif's power might be abolished.

9. The Commissioner and Collector of Malabar recommended that the transfer should be restricted to the Ouchterlony valley, basing this limitation to a great extent on the suggestion of Government that the annexation might be accompanied by the abolition of the Sub-Magistrate's post at Gudalur, but also because the inclusion of Gudalur in the Commission would leave the adjoining Wynaad tract without any nearer Sub-Magistrate or Police Station than Vitri, fifty-five miles distant. They also objected to a District boundary being drawn close to a town and along a much frequented road.

10. This transfer of the Ouchterlony valley was carried out by G.O., dated 15th July 1873, No. 1097.

11. In December 1874, a memorial was addressed to Government by thirty-two planters of South-East Wynaad owning 30,000 acres of land of which 3,200 were under cultivation, praying again for the annexation of the district to the Nilgiris on the ground of distance from Calicut, the station of the District Magistrate, the centre of the administration of Malabar, the seat of the Local Fund Board and of the Chief Registration Office, compared with comparatively close proximity to Ootacamund and therefore to the corresponding officials there, as well as to the memorialists' Banking station and source of supplies.

12. The Government declined to accede to the proposal (28th December 1874, No. 2357).

13. In Proceedings, dated 7th January 1875, No. 35, the Government had again under consideration the arrangements necessary for the proper administration of the Wynaad as including North Wynaad, South Wynaad, and South-East Wynaad, and came to the conclusion that it was necessary, with reference to the area, population, and

growing planting interests, to place a second Deputy Collector and Magistrate at some station to be selected in South and South-East Wynaad, and directed the Collector of Malabar to report where he could best be stationed, and what detailed arrangements should be made.

14. But while the question was still under discussion, that of annexation to the Nilgiris was again raised by a deputation which waited on the Acting Governor in June 1875, and by a memorial, dated 1st October 1875, signed by thirty-eight planters and landowners, pointing out that all the reasons formerly urged in favor of annexing South-East Wynaad to the Nilgiris had acquired added strength by lapse of time and growth of local interests. They prayed that if the Government should abide by their decision to reject the prayer it might be referred through the Government of India to the Secretary of State.

15. On the 7th February 1876, the Collector of Malabar forwarded three petitions from the Native inhabitants of the Mūnnanād, Cherangode, Nambalakode, and Ganapativatom Amshoms, constituting South East-Wynaad, signed by 261 persons styling themselves landholders and principal inhabitants, deprecating the proposed annexation on the ground that all their relations, caste connexions, and old associations are with Malabar; that none of their race reside on the Nilgiris; that the climate of the Hills is adverse to them; that the peculiar customs and tenures and the language of Malabar are not understood there; that they are the proprietors of the soil in South-East Wynaad, while the advocates of annexation are only their lessees; that for them (petitioners) Manantoddy even is less inconvenient as the centre of business than Ootacamund; and that even the partial annexation made (Outchterlony valley) was a perpetual cause of regret to them.

16. On 17th June 1876, the Tirumulpad of Nilambur memorialized Government protesting as Jemni proprietor of the whole of the Nambalakode Amshom against the proposed annexation on the ground that, owing to climate, caste obligations, and difficulties of language, it would be impossible for him to proceed to the Nilgiris for the despatch of business.

17. On 28th June 1876, Mr. Logan, the Coll[illegible] Malabar, submitted in a note to the Chief Secretary his opinion that the annex[illegible] the whole or any part of the Wynaad to the Nilgiris was perfectly practicable, provided adequate arrangements were made for the disposal of civil suits in the Malayalum language which he considered to be essential for securing justice to the people in this class of business.

18. He added that he did not attach much importance to the native objections as regards climate, caste, religious observances, &c., adding that the Nilgiri climate is much less of a change to a Wynaad man than to one from the plains.

19. In July and August 1876, memorials were addressed and a deputation waited on His Grace the Governor from the Planters' Associations of the whole of Wynaad praying for the annexation of the entire Taluq to the Nilgiris.

20. A counter-memorial was at the same time presented to the Collector of Malabar by seven planters of North Wynaad deprecating the measure.

21. After carefully considering the question and weighing the arguments urged for and against annexation, and after personally conferring at length with the European and Native parties interested, and with the Collector of Malabar and the Commissioner of the Nilgiris, the Governor in Council has come to the conclusion that the balance

of advantages is in favor of annexing the Nambalakode, Cherangode, and Mūnnanād Amshoms to the charge of the Nilgiri Commissioner.

22. The statistics of the tract are set forth in the annexed statements, of which the abstract is as follows:—

	No. of Holdings.	Assessed Area.	Revenue.
		ACS.	RS.
Europeans and Eurasians	59	4,736	10,051
Malayalum speaking Natives	952	1,268	4,980
Canarese and Tamil speaking Natives	331	731	1,578
Total ...	1,342	6,735	16,609

23. The representatives of the most growing interest in the locality are unanimously in favor of annexation, and, although they are styled "*lessees*" of their estate, there is no doubt that they are practically proprietors; that they have invested very large capital in the development of the resources of the district; and that its prosperity mainly depends upon their enterprise which is entitled to receive every encouragement at the hands of Government.

24. The tract of country is exceedingly remote from the headquarters of the Malabar District, while it is within easy reach of the Nilgiri Commissioner's headquarters.

25. The occasions on which necessity compels the Native inhabitants to resort to the seat of the District Magistrate and Chief Court can in any case be comparatively few, but the facilities for the superior officers of the district to visit this locality will be unquestionably far greater in the event of its annexation to the Nilgiris than if it should remain attached to Malabar.

26. The difficulties in the way of climate and caste prejudices are not considered by the experienced Collector of Malabar to be of any importance, and, as regards the essential of a knowledge of Malayalum for the disposal of more important civil suits, the Governor in Council sees no reason to suppose that a qualified agency will not be readily available for the service of litigants, or that the Commissioner of the Nilgiris will have greater difficulty in this respect than the District Judge of South Malabar.

27. As tending to prom[illegible] the material prosperity of the tract in question, the Governor in Council has no [illegible] to doubt the good policy of the measure, and he is also of opinion that it will tend to economy of administration by enabling the Government to arrange at less cost than would otherwise be practicable for the improved administration of the remainder of the Wynaad which will continue attached to Malabar.

28. The Governor in Council is also convinced that whatever tends to encourage cultivation in Wynaad is directly for the manifest advantage of the Native proprietors of the land.

29. His Grace the Governor in Council accordingly directs that the annexed Notification requisite to give effect to this Resolution be published in the *Fort St. George Gazette* and in the Gazettes of the Malabar and Niligri Districts, respectively:—

NOTIFICATION.

WITH reference to Madras Act I of 1868, Section 1, and to the several enactments noted in the margin, the Governor in Council directs that the tracts known as the Nambalakode, Cherangode, and Mūnnanād Amshoms, which at present form

Madras Act I of 1865.
The Madras Civil Courts Act, 1873, Sec. 10.
The Code of Criminal Procedure, Section 38.
Madras Act I of 1868, Section 5.

part of the Taluq of Wynaad in the District of Malabar, and are included within the local limits of the jurisdiction of the District and Sessions Judge of South Malabar, shall, from and after the 31st March 1877, be transferred to, and included in the jurisdiction of, the Commissioner of the Nilgiri Hills.

(By order of His Grace the Governor in Council.)

(Signed) W. HUDLESTON,
Chief Secretary.

No. 50. *To the Hon. Sir WALTER MORGAN, Kt., Chief Justice of the High Court of Judicature at Madras, dated Fort St. George, 8th March 1877, No. 602.*

In forwarding, for the information of the Honorable the Judges of the High Court, the accompanying copy of the Proceedings of Government of this date, No. 601, directing the transfer of the Nambalakode, Cherangode, and Mūnnanād Amshoms in South-East Wynaad from the District of Malabar to the Commissionership of the Nilgiri Hills, I am directed to request that, should it be found that these Amshoms, or any of them, are at present included within the local limits of the jurisdiction of the Subordinate Judge at Calicut, or if the existing jurisdiction of the District Munsif at Gudalur extends beyond these Amshoms in South-East Wynaad, the requisite steps may be taken, under the provisions of Clause 2, Section 10 and Section 11 of Act III of 1873, to adjust the local jurisdiction of these officers, with reference to the transfer now ordered.

(Signed) W. HUDLESTON,
Chief Secretary.

Munnanad Amshom

Amshom.	Deshom.	Names of Holders of Jenm right.	If Jenm right belongs to a Devaswam, names of Uralers.	JENMIES AND TENANTS — Europeans and Eurasians. Number.	Europeans and Eurasians. Extent.	Europeans and Eurasians. Revenue.	Malayalam speaking — Nayars. Number.	Nayars. Extent.	Nayars. Extent.	Nayars. Revenue.	Chetties. Number.	Chetties. Extent.	Chetties. Extent.	Chetties. Revenue.
					ACS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.
Munnanad	Cheruvallur Devaswam.	Kotteyam Rajah ..		..	..	..	..	..	..	..	3	..	25	33
Do. ..	Government ..	.....		..	..	..	10	22	5	43	61	180	102	536
Do. ..	Valat Devaswam ..	Cherambadi Kidava.		..	..	..	1	..	5	6	7	..	88	114
Do. ..	Thirumangalomkotta	Kotteyam Rajah ..		..	..	..	..	..	..	..	4	..	36	48
Do. ..	Poneni Devan ..	Naturvath Nambutiripad		..	..	..	1	..	12	15	2	..	36	44
Do. ..	Cherangod Devan ..	Cherangod Krishnan Nayar		..	..	..	1	..	1	1	2	..	17	22
Do. ..	Thanjora Devan ..	Thanjora Chetti ..		..	..	..	1	..	2	3	8	..	81	105
Do. ..	Nellialom Arasukal.	.....		..	..	..	..	..	..	..	1	..	7	9
Do. ..	Kakutti Kuppan ..	.....		..	..	..	..	..	..	..	1	..	5	6
		Total ..		..	..	..	14	22	25	68	89	180	397	917
Nellialom	Nellialom Arasukal..	.....	*	21	1,297	1,297	..	..	..	..	2	1	5	8
Do. ..	Poneni Devan ..	Naturvath Nambudiri.		..	..	..	..	..	..	..	9	..	125	165
Do. ..	Elamanna Devaswam	Elamanna Chetti ..		..	..	..	..	..	..	..	5	..	50	65
Do. ..	Thirumangalathkotta.	Kotteyam Rajah ..		..	..	..	..	..	..	..	3	..	16	20
Do. ..	Government ..	.....	†	6	728	1,529	..	..	..	..	136	139	..	144
		Total ..		27	2,025	4,281	..	..	..	..	155	140	196	403
Nallakot.	Nallakot Devaswam.	Eyuvamballi Raman Chetti.		..	..	..	..	..	..	..	6	..	14	18
	Government ..	.....		..	..	..	..	..	..	..	18	22	28	91
		Total ..		..	..	..	..	..	..	..	24	22	42	109
		Grand Total ..		27	2,025	4,288	14	22	25	68	268	342	635	1,4[illegible]

* 1 E. Atkins.. 1
4. H. Steedman 2
Alex. Wright 2
. W. Ryan 6
7. Oakes (C. B. Dawson) .. 2
6. F. Fletcher 3
7. J. H. Ryan.. 1
8. J. H. Irvine 1
9. B. J. Taylor 1
10. C. Vigor 1
21

Fasli 1285.

PAYING GOVERNMENT REVENUE.

Natives. Others. Number.	Others. Extent.	Others. Revenue.	Total. Number.	Total. Extent.	Total. Revenue.	Kanarese and Tamil speaking Natives. Chetties. Number.	Chetties. Extent.	Chetties. Revenue.	Vadagars. Number.	Vadagars. Extent.	Vadagars. Revenue.	Others. Number.	Others. Extent.	Others. Revenue.	Total. Number.	Total. Extent.	Total. Revenue.
	ACS. PS.	RS.		ACS. PS.	RS.		ACS. PS.	RS.		ACS. PS.	RS.		ACS. PS.	RS.		ACS. PS.	RS.
..	.. ..	..	3	.. 25	33	..	.. ..	..	..	.. ..	..	..	.. ..	..	..	.. ..	..
18	46 ¼	104	89	248 107¼	683	..	.. ..	..	5	10 2	17	27	13 16	28	32	23 18	45
1	.. 5	6	9	.. 98	126	..	.. ..	..	1	.. 1	1	2	.. 1	1	3	.. 2	2
1	.. 5	7	5	.. 41	55	..	.. ..	..	..	.. ..	..	..	.. ..	..	..	.. ..	..
..	.. ..	..	3	.. 48	59	..	.. ..	..	..	.. ..	..	..	.. ..	..	..	.. ..	..
..	.. ..	..	3	.. 18	23	..	.. ..	..	..	.. ..	..	..	.. ..	..	..	.. ..	..
..	.. ..	..	9	.. 83	108	..	.. ..	..	..	.. ..	..	2	.. 2	3	2	.. 2	3
..	.. ..	..	1	.. 7	9	..	.. ..	..	..	.. ..	..	..	.. ..	..	..	.. ..	..
..	.. ..	..	1	.. 5	6	..	.. ..	..	..	.. ..	..	..	.. ..	..	..	.. ..	..
20	46 10¼	117	123	248 432¼	1,102	..	.. ..	..	6	10 3	18	31	13 19	32	37	23 22	50
3	1 ..	1	5	2 5	9	..	.. ..	..	45	37 53	139	31	215 13	437	76	252 66	576
..	.. ..	..	9	.. 125	166	..	.. ..	..	4	.. 20	26	2	.. 2	2	6	.. 22	28
..	.. ..	..	5	.. 50	65	..	.. ..	..	2	.. 4	5	..	.. ..	..	2	.. 4	5
1	.. ¼	5 As.	4	.. 16¼	20	..	.. ..	..	1	.. 4	5	..	.. ..	..	1	.. 4	5
6	9 ..	12	142	148 ..	156	..	.. ..	..	24	22 ¼	45	7	29 ..	21	31	51 ¼	66
10	10 ¼	13	165	150 196¼	416	..	.. ..	..	76	59 81	220	40	244 15	460	116	303 96	659
..	.. ..	..	6	.. 14	18	..	.. ..	..	..	.. ..	..	..	.. ..	..	..	.. ..	..
..	.. ..	..	18	22 28	91	..	.. ..	..	..	.. ..	..	36	25 1	43	36	25 1	43
..	.. ..	..	24	22 42	109	..	.. ..	..	..	.. ..	..	36	25 1	43	36	25 1	43
30	56 11	130	312	420 671	1,627	..	.. ..	..	82	69 94	238	107	282 35	535	189	351 119	773

† 1. Alex. Wright 1
2. W. E. Schmidt 2
3. Moyar Coffee Co. (E. H. Hamlin) .. 2
4. J. H. Williams 1
6

Cherangod Amshom,

JENMIES AND TENANTS

Amshom.	Deshom	Names of Holders of Jenm right.	If Jenm right belongs to a Devaswam, names of Uralers.	Europeans and Eurasians.			Malayalam speaking								
							Nayars.			Chetties.					
				Number.	Extent.	Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.
					ACS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.
Cherangod.	Erumat..	Erumat Devaswam..	Erumat Nair ..	..	..	..	2	..	25	35	12	..	115	159
	Do. ..	Cheruvallur do. ..	Kotteyam Rajah ..	..	..	..	3	..	13	25	8	..	82	113
	Do. ..	Payingala do. ..	Do. ..	..	..	..	..	..	..	..	1	..	16	22
	Do. ..	Cherambadi Kidavu.	.....	..	..	..	..	..	..	..	2	..	25	34
	Do. ..	Poneni Devaswam ..	Natuvath Nambudripad	..	..	..	..	..	..	..	2	..	17	24
	Do. ..	Vateri Kakku Chetti.	.....	..	..	..	..	..	..	..	2	..	35	48
	Do. ..	Athikotan Nair ..	.....	..	..	..	..	..	..	..	..	..	..	..
	Do. ..	Thiruvambadi Devaswam.	Thiruvambadi Nambadri	..	..	..	..	..	..	..	1	..	2	3
	Do. ..	Kummu Karumathil Pankunni Panikkar.	.....	..	..	..	1	..	10	14	..	..	..	..
	Do. ..	Government ..	.....	..	..	..	9	32	42	136	60	212	15	275
			Total ..	..	..	..	15	32	95	210	88	212	307	678
	Cherangod.	Cherangod Devaswam.	Kotteyam Rajah ..	..	..	..	7	..	67	92	10	..	69	95
	Do. ..	Cheruvallur Devaswam.	Do. ..	..	..	..	1	..	7	10	1	..	19	26
	Do. ..	Cherambadi Kidavu.	.....	..	..	..	4	..	25	34	4	..	20	28
	Do. ..	Kummu Karumathil Pankunni Panikkar.	.....	..	..	..	1	..	16	23	..	..	..	..
	Do. ..	Government ..	..... *	12	1,020	2,168	19	61	..	109	29	114	..	133
			Total ..	12	1,020	2,168	32	61	115	263	44	114	108	282
			Grand Total ..	12	1,020	2,168	47	93	210	478	132	326	415	960

* 1. Alex. Wright 1
2. W. Mayler 2
3. J. H. Irvine 1
4. J. W. Minchin 3
5. H. V. Evan 1
6. Captain W. T. H. Cox 2

Fasli 1285.

PAYING GOVERNMENT REVENUE.

Natives.								Kanarese and Tamil speaking Natives.																	
Others.				Total.				Chetties.			Vadagars.				Others.				Total.			
Number.	Extent.		Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.
	ACS.	PS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.
11	..	66	91	25	..	206	285	..	..	..	..	1	..	10	14	..	..	..	..	1	..	10	14
4	..	24	34	15	..	124	172	..	..	..	..	..	..	..	..	6	..	3	4	6	..	3	4
..	..	..	..	1	..	16	22	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	2	..	25	34	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	2	..	17	24	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	2	..	25	48	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
1	..	17	24	1	..	17	24	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	1	..	2	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	1	..	10	14	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
48	114	..	134	117	358	57	545	3	15	..	24	..	..	..	..	18	23	..	36	21	38	..	60
64	114	107	283	167	358	509	1,171	3	15	..	24	1	..	10	14	24	23	3	40	28	38	13	78
2	..	3	4	19	..	139	191	..	..	..	..	3	..	2	3	..	..	..	..	3	..	2	3
1	..	½	1	3	..	20½	37	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
3	..	5	7	11	..	50	69	..	..	..	..	1	..	2	[illegible]	1	..	..	..	2	..	2	2
..	..	..	..	1	..	16	23	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
36	64	..	85	84	239	..	327	..	..	..	..	16	34	..	51	37	84	1	51	53	68	1	102
42	64	9	97	118	239	233	647	..	..	..	..	20	34	4	56	38	84	1	51	58	68	5	107
106	178	116	380	285	597	741	1,818	3	15	..	24	21	34	14	[illegible]	[illegible]	57	4	91	86	106	18	185

7. R. B. Elwin 1
8. Smith, Fletcher, and Co. 1

Total .. 12

Nambalacode Amshom,

JENMIES AND TENANTS

Amshom.	Deshom.	Names of Holders of Jenm right.	If Jenm right belongs to a Dévaswam, names of Uralers.	Europeans and Eurasians.			Malayalam speaking											
							Nayars.			Chettios.			Others.					
				Number.	Extent.	Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.
					ACS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.
Nambalacode.	Shrimadhuram.	Nambalacode Devaswam.	Nilambur Tirumulpad	..	..	..	2	1	35	39	74	61	228	339	37	27	..	36
	Dovalla..	Do. ..	Do. ..*	11	1,176	2,500	1	..	4	4	..	..	..	..	1	..	½	1
	Gudalur..	Do. ..	Do. ..†	8	466	991	2	2	28	33	22	8	127	147	41	35	10	85
	Padantara	Do. ..	Do. ..‡	1	49	104	..	..	..	..	58	34	319	410	37	27	4	57
	Cherumulli.	Do. ..	Do. ..	..	..	..	1	..	18	19	46	37	242	305	30	18	11	36
	Do. ..	Kallingara Samnham.	....	..	..	..	..	..	..	..	2	..	14	15	..	..	..	..
	Do. ..	Malayaran.	....	..	..	..	..	..	..	..	1	¼	8	9	..	..	..	..
			Total ..	..	..	..	1	..	18	19	49	37¼	264	329	30	18	11	36
			Grand Total	20	1,691	3,595	6	3	85	95	203	140¼	938	1,225	146	107	25½	215

ABST

Nambalacode Amshom	..	..	..	20	1,691	3,595	6	3	85	95	203	140¼	938	1,225	146	107	25½	215
Cherangod do.	..	..	..	12	1,020	2,168	47	93	210	478	132	326	415	960	106	178	116	380
Munnanad do.	..	..	..	27	2,025	4,288	14	22	25	68	268	342	635	1,429	30	56	11	130
Total ..				59	4,736	10,051	67	118	320	641	603	808¼	1,988	3,614	282	341	152¼	725

The fifty-nine Estates are registered

* 1. J. W. Minchin 4
2. L. Miller 2
3. Peirce, Leslie and Co. (E. H. Hamlin and J. N. D'Rosorio). 2
4. A. H. and W. Steedman 1
5. C. R. Dawson 1
6. E. H. Hamlin 1

Total .. 11

Fasli 1285.

PAYING GOVERNMENT REVENUE.

Natives.				Canarese and Tamil speaking Natives.																		
Total.				Chettios.			Vadagars.				Others.				Total.			
Number.	Extent.		Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.	Number.	Extent.		Revenue.
	ACS.	PS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.		ACS.	PS.	RS.
113	89	263	414	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
2	..	4½	5	..	..	..	..	9	5	30	35	..	..	..	..	9	5	30	35
65	45	165	265	..	..	..	..	11	3	19	18	32	266	..	567	43	269	10	583
95	61	323	467	..	..	..	..	3	¼	¼	1	1	¼	..	1	4	½	¼	2
77	55	271	360	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
2	..	14	15	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
1	¼	8	9	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
80	55¼	293	384	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
355	250¼	1,048½	1,535	..	..	..	..	23	8¼	40¼	52	33	266¼	..	568	56	274½	40¼	620

RACT.

355	250¼	1,048½	1,535	..	..	..	..	23	8¼	41	33	266¼	..	568	56	274½	40¼	620
285	597	741	1,818	3	15	..	24	21	34	1	62	57	4	91	86	106	18	185
312	420	671	1,627	..	..	..	..	82	69	84	107	282	35	535	189	351	199	773
952	1,267¼	2,460½	4,980	3	15	..	24	126	111¼	138¼	202	605¼	39	1,194	331	731½	177¼	1,578

in the names of twenty-seven men.

† 1. T. Turner .. ..

Ootacamund 10
1st October 1875

35 The Honorable
D. F. Carmichael
Chief Secy to Govt

Sir,

I have the honor to forward herewith a Memorial from the Planters of S. R. Wynaad, and to solicit the favor of your laying the same before H. E. the Governor in Council (if possible today)

A Copy of this Memorial is yet in circulation. It will contain several signatures in addition to those in the accompanying Memorial. & I shall forward it to you as soon as I receive it.

I have the honor to be
Sir
Your most obedt. Servt
E. Schmidt

Govt. of Madras.

JUDICIAL.

To
THE COMMISSIONER OF THE NILGIRIS,
&c., &c., &c.

Dated March, 8th.

Read

Read.

Read.

G.O., 8th March 1877, No. 601-2.

MARCH
No. 23—CO.

Wynaad.—The transfer of the tracts known as the Nambalakode, Cherangode, and Kunnumad Amshoms forming part of the Taluq of Wynaad, in the District of Malabar, to the jurisdiction of the Commissioner of the Nilgiris, resolved on; and a Notification of the same directed to be published in the Fort St. George and Malabar and Nilgiri District Gazettes, respectively; and the High Court addressed on the subject.

To

His Excellency the Right Honorable
The GOVERNOR-IN-COUN

Ou

The Petition of the undersigned Planters and Land-owners of Sout

Humbly Sheweth,

THAT the question of annexing South-East Wynaad to the Nilgiris has bee agitated the Planters in that locality for many years past. It was proposed to ann and the Ouchterlony Valley, but for reasons which were never made public, the W added to the Nilgiris, the South-East Wynaad District continuing in the Collectora Last year, on the occasion of the visit of the late lamented Governor, Lord Hobart, two petitions were presented to him,—one from the Wynaad Planters' Association, w by some of the South-East Wynaad Planters, praying for the appointment of a Deput Magistrate to the Wynaad, and the other from the rest of the South-East Wynaad Pl that South-East Wynaad might be added to the Nilgiris, and not asking for an additior administration at all. The latter petition, from a misunderstanding, was returned to by the Collector of Malabar, as informal, and it was then sent on to the Governme answer was received to it. Subsequently a fresh petition, signed by the greater Planters in the South-East Wynaad District, was presented to Government, who answer it in the following words: "The Memorialists will be informed that His "Council has fully considered their proposal for the annexation of South-East Wynaa "District, and must decline to accede to it."

THAT your present Petitioners represent the whole of the landed interest with a few exceptions, and they venture to approach your Excellency with a renew contained in the rejected petition. Your Petitioners need not repeat the reasons for forth in that document, but they append a copy of the paper to the present petition.

Your Petitioners have here to remark that in reply to the petition adverted the Wynaad Planters and part of your present Petitioners, the Government were ple the appointment of an additional Deputy Collector and Magistrate, at a cost per mon Rs.400. The Officer has not yet been nominated, but when appointed, he will Maypady, a distance of thirty odd miles from South-East Wynaad. To the Planters such an Officer would not be so effective as the more experienced Officers at Ootac only twenty-five miles from the South-East Wynaad. Your Petitioners respectfull they ought not to be driven to an inferior Court at Maypady when superior Courts distant from their homes. Furthermore, they beg to draw particularly to the Excellency in Council the fact that, if their prayer is granted, the extra expense appointment of an additional Deputy Collector and Magistrate will be saved, as such not be wanted.

Your Excellency in receiving lately a deputation from the Residents and Nilgiris with reference to the reduction of the Office of the Commissioner, rema Excellency had, in 1858, helped to settle the question of the annexation of the Sout to the Nilgiris, and that as long as your Excellency had any voice in the Governme exercised in maintaining that settlement. Your Petitioners are not aware of the influenced your Excellency in 1858. They have understood that the Government is the annexation of South-East Wynaad to the Nilgiris would bear hardly on the culti in the District, who would be forced to the Nilgiri Courts, situated in a climate not

Your Petitioners observe that the difference between the climate of C South-East Wynaad is less than the difference between the temperature of Calicut Wynaad, and submit that on the point of climate the objection urged does not apply

In 1858 annexation would have been transfer from one overburdened dist and disadvantageous as interposing a high mountain range between the inhabitan Wynaad and Coimbatore. This objection does not now apply.

But in 1858 the Native cultivators of Paddy were the largest la [illegible] their interests were then naturally paramount. The position h [illegible] hold 2000 acres of land; Planters occupy more than [illegible] [illegible]cunt. Your Petitioners representing them all submit [illegible] the consideration of Government.

[illegible]

[illegible]

[illegible]

fruitless agitation of this kind is most impolitic and cannot fail to have a prejudicial Effect on the sensitive population of Malabar. No new argument whatever is advanced.

As an Expression of true local popular feeling within the tract the Petitions deserve no attention. Shaw had the English Signatories (33 more or less) carefully analysed by the Collector of Malabar and local Officers. Five neither own nor manage Estates within the tract; their sphere of their management lies in the Ochterlony and Mayper Valleys attached to the Nilghiry District. Twelve (12) only have Estates covering about 1900 acres and nine (9) are paid Servants

E. Fernandez — Superintendent of Estate in Ochterlony Valley
A. Wright — Do Do
H. Wakshaw — Manager — Do
J. H. Kennick } Coffee Superintendent
C. J. Griffin } Mayper Valley

*N.B. One of these Mr. Minchin appears as manager only of certain Estates in the Govt. Register. He resides in Ooty and is, if not exclusively, chiefly employed as Agent for others, who have not signified their adherence to the proposal of which he is a prime mover

of others who superintend about 900 acres of Coffee Estate — not one of them has produced authority to sign such a petition from his principals — six (6) are either unknown or no longer have property in the District. The majority of these European signatories are resident in Ooty where several have shops. Of the 25 to 30 foreign Tamil & Hindustanee signatories, nine only appear to be in connected with cultivation in the District; the rest are Estate Clerks and domestic servants of European signatories, Coolies & Kieferes in Gudalore; 2 are unknown women, 3 are local butchers; one is a peon in the Commissioner's Office at Ooty.

+ A Woman who owns a small garden and lives in Ooty.

The Collector observes in

in respect to the owners of Estates there is not one single proprietor (by which I mean Jenmi - owner in fee - simple) of land in Wynaad among the lot and I don't think I need say more than that - in short I mean the few who have Estates and claim to represent the planting interest are mere lessees of the native proprietors or Jenmis - nor do they probably represent the majority of the planting interest in the District for many influential names are wanting Indeed the Almanac of 187 shows nearly twice as many Estates in the District as are herein (in the Petition) and it will not fail to be observed that the S. E. Wynaad Planters Association have withheld their support, their Secretary Mr Thompson mentioned that many of

the statements put forward were incorrect. The whole of the signatures of whatever description are those of immigrants strangers to the country and but few of the many such who might have joined.

For it must be borne in mind that the tract in question is an exclusive Malayalam proprietary District - containing many thousands indigenous inhabitants engaged in agriculture. The land is owned in exclusively by Malyalim Jenmis amongst whom are the Reclamber Raja, Relambur Tirumulpad and other large Malabar proprietors besides a host of lesser local Jenmis, Nairs & others. The Deputy Collector states that there are over 600 Jenmis

others

farmers, owning low acres and upwards within the tract; not one of whom or any indigenous inhabitants of the country has been persuaded to sign the petition or would otherwise, than most earnestly oppose any such transfer as it urges. I most earnestly deprecate rousing the strong feeling of resentment which would be produced throughout the tract and in fact amongst Malabar farmers generally by the local canvass which is unavoidable if this thing is to go further.

The Collector naturally adds "the newspapers have an incorrect information on the subject and perhaps if their eyes were opened they might let the matter drop quietly" but the Government has been perfectly well-informed of the real state of the case throughout the discussions which have taken place from time to time. The first movement in this direction took place in 1857/58, when the Ootacamund valley and a small part of what is now comprised in S.E. Wynaad was sought to be included in the jurisdiction of the Principal Sadr Ameen of Ooty. I then pointed out "that such a transfer on such grounds, would justly be looked upon by those persons of Malabar whose interests are so largely at stake, with the utmost distrust and dissatisfaction, and would entail great and

Proceedings of Govt. 3d March 1857

"and most unreasonable
"hardship & unnecessary
"anxiety on hundreds
"of those who alone have
"the right to be termed
"the 'parties most interested'
"the native population
"and jenmies of the parts
"proposed to be transferred.
"They have not been
"consulted, nor even
"informed. The Sheristedars
"of this office even deem
"it have been unaware of
"the proposal."

"Malabar is a proprietary
"District and every
"part of the country
"is as strictly private
"property as the soil of
"Great Britain. There
"is no Circar (crown)
"land or forest waste
"or other except a few
"escheats and perhaps
"the Kondaks. × × ×
× × × ×
"There can be no doubt
"that the jenmies and
"Concerns of these jenmies,
"the only parties who can
"be termed those "most
"interested" should have
"the first consideration
"in a change so largely
"affecting their interests.
"Their properties are
"very largely involved in
"the portion of Wynaad ab
"all events, proposed to
"be transferred and
"their interests many
"many fold greater than
"those of the planters.
"Again there are
"hundreds of respectable
"Natives, minor jenmies
"or tenants under the
"various complex and
"peculiar tenures prevailing
"in Malabar within this
"tract of Wynaad portion
"whom it would be a
"most grievous hardship
"to be obliged to proceed
"to Ootacamund under
"every disadvantages for
"the convenience of a
"few recently settled European

European tenant planters.

Had these parties been consulted, the result of the proposal would have been different. Most of the Jenmis reside in low country on the Coast. They have no communication with Potacammund, none are residents there and nothing would induce one of them to proceed to the Hills, whither even the Moplah Cooly resorts with reluctance. They would find great difficulty in inducing even an agent or Vakeel to proceed thither. There is probably scarcely a Malayalim speaking man at Potacammund at this moment, certainly not one of respectability.

Again the local laws, usages and customs of the Malayalim people, & the domestic relations (Marumakatayam) and the complex tenures of land ruled by the Jenmom Kanom Maryada are so peculiar and thoroughly local as to be ~~also~~ scarcely intelligible to those not long familiar with them, and it is natural that as far as the principal litigants in such matters are concerned a transfer would be viewed with the utmost distrust. It would leave them to plead these delicate questions before a Court, where the business is conducted in English & Tamil, in a foreign District, where their usages are unknown and where Malayalim Vakeels are not to be met with. No conditions more

"more favourable
"to the Conduct of Collusive
"and Ex parte Suits, Cann
"be imagined".

The transfer of only
one Amakom was then
under discussion, but
I urged "the interests
"of one and all of our
"population of 4,359 are
"involved in the contemplated
"change and there is not
"one who would look upon
"the necessity of going
"to Ootacamund on the
"Civil business as a
"great hardship and
"practically a bar to
"all redress". Now three times the area & far larger population are at stake.

In the same letter
I showed that even
with regard to the
real interests of the
owners of Estates —
Superintendents are
more ready to visit Ooty —
the advantages of the
transfer

transfer "were doubtf
"as regards the Native
"population and the parties
"really most interested
"as so earnestly to be
"deprecated".

"An European Gentleman
"Canters over his 20 to 30
"miles from his Estate
"into Ootacamund in a
"bright, enjoyable climate,
"with his Deeds of in his
"pocket. How different
"the sketch of his poor
"native opponent's progress
"thitherward. Ootacamund
"is a place of exclusively
"European resort, unsuited
"to Natives especially of
"this Coast and it is a
"place whither we are not
"entitled to send whether
"willing or unwilling those decrees to
"maintain their rights
"and redress their wrongs

"Should the contemplated
"transfers take place,
"it will check the presump
"facilities of obtaining
law

"land for Coffee-planting
in Malabar. The native
"proprietors will entertain
"overtures from Europeans
"for his land with great
"caution. He naturally
"feels as one pointedly
"put it to me the other
"day":—

"We give our land to Gentlemen
'for Coffee. What has been
'got from us hitherto, has
'been got for a trifle and
'the Gentlemen have taken
'land they do not cultivate
'themselves and they won't
'let us give to others, and
'when they have secured
'the land then our tenants
'use all their influence
'to remove the name of
'of any difference that
'may arise between us
'or even with our ordinary
'native tenants throughout
'a whole Hundred into
'another District, where

G.O. No 1195 of 17: Sept: 1857.

'our laws and customs
'and our language
'are alike unknown
'and whither we cannot
'go—Grievance (Saukadom!)
'injustice (Anyayom!).

The Government of
Madras summed up
the objections to the
transfer—of even a
far smaller area
than now under consider-
-ation in the following
terms:—"the Government
"would render subject to the
"jurisdiction of a Tamul
"Court, in a Country where
"their laws, languages
"and peculiar customs
"are entirely unknown,
"many hundreds of the
"people of Malabar, to
"show the journey to
"Ootacamund would
"itself, from the difference
"of climate in the tract
"to be traversed, prove
"a very serious hardship
and

"and injury".

At the same time the Government refused to include any part of the Coimbatore District in the transfer in opposition to the declared aversion of the inhabitants and confined the jurisdiction to the Neilgherry Plateau.

In 1869 certain Landholders of S.E. Wynaad again petitioned the Government of 1st Nov: 1869 to be included in the Neilgherry Commissionership "so as to attach us to our "natural headquarters". In reporting on the Petition the Commissioner (Mr Brooks) stated while acknowledging that the transfer would be a convenience to the petitioners who draw their supplies from Ooty, bank "the Natives of S.E. Wynaad, "whether as plaintiffs or "defendants, would rather "go to Mavoontoddy or "Calicut than Ootacamund. "Practically, however, this "is of little consequence, "as S.E. Wynaad is mainly "occupied by European Planters, "who presence & capital "have converted the jungle "into a Coffee Colony and "introduced here and there "settlements of plantation "Coolies".

Mr Brooks probably was unaware of the condition of the Country of which he wrote and that the European planters are mere lessees; the property of the Country being exclusively owned by Native Rajahs and Jemmies.

Mr Brooks made light of the additional revenue

Revenue labor but
was doubtful whether
the judicial duties
might not be unwisely
enhanced. And he
pointed out that the
wants of the proposed
consolidation "demand
a more prompt and
efficient administration
of justice than is,
compatible, in my
opinion, with the Conclu-
sion of the Revenue
and judicial branches
of the administration
in one and the same
office. If such a Consoli-
dation 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 Judgeships are
small in area,
sparsely populated,
and peculiar in their
isolated geographical
position" and added
that while the Commission
had answered fairly
well hitherto under
light pressure. "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 headquarters
it will scarcely be
possible to do justice
to either branch of the
administration." If

If an alteration
of boundaries be
contemplated so as
to include S.E 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 Establish-
ment could be made
to take the form of
at least a partial or
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 & judicial Offices;
but, for financial reasons,
I consider this to be
impossible at present".

There remains, then,
the question of a partial
"Sub-Division of the judicial
and Revenue Departments.
The best of all would be
to form the Neilgherry
District into a separate
Collectorate, with separate
Revenue & judicial Offices;
but, for financial reasons,
I consider this to be
impossible at present".

There remains, then,
the question of 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 & judicial Offices;
but, for financial reasons,
I consider this to be
impossible at present".

Seems to me, might be
effected, without increase
of expense, by the severance
from Coimbatore of the
Collegal Taluq of that
part of the Bavany and
the Cattiamangalam
Taluqs which is above
the Ghauts, and of that
part of the Mettapollium
Taluq which lies North
West of the Bavany river,
and by the inclusion
of these tracts along
with S.E Wynaad within
the Neilgherry District".
And he proposed to
abolish the Sub Collector
of Coimbatore and make
other important judicial
changes. He added
"in S.E Wynaad there
is now a Sub Magistrate
stationed at Gudalour
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
"S. E Wynaad could
"desire".

The Government
remarked:- "The other
"petitions presented by the
"Planters of South-East
"Wynaad raises questions
"of a much more difficult
"character. They desire
"that the whole of S. E Wynaad
"may be included in the
"jurisdiction of the
"Commissioner of the
"Nilghiry 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 on him

"With this view, he suggests
"the addition to the Nilghiry
"District of the Malegal
"Taluq and other parts
"of the Coimbatore District
"which are adjacent to the
"Nilghiry 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".

"With regard to the
"petition submitted by
"the Planters of S. E
"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 Nilghiry Commissioner.

They

They cannot however
entertain the suggestion
made by the Commissioner
in reference to the
Petition. The appoint-
ment 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 Jobing to the
Hills is also out of the
question.

On the other hand,
the Government have
no doubt that the
inclusion of the whole
S.E. Wynaad within
the limits of the Commission-
ership would entail
absences of longer duration
on the part of the Commissioner
from his headquarters
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
S.E. 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

which he wrote on the
subject in July: 1857, with
reference to a proposal
for including the whole
or greater part of what
is now called S.E. Wynaad
in the jurisdiction of the
Subordinate Court then
existing at Tellicherry.

"If therefore, any part
of Wynaad is to be
included in the
Commissionership,
arrangements must
be made for the Commissioner
and his Assistant
holding Court periodically
at Gudalooor; and, in order
that this may not constitute
too 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 Commission-
-ership to the road which
runs from Tippoocandoo
to the top of the Cutkoor
Pass, including some
of the Estates at Gudalooor
and the whole of what
is called the Ouchterlony
Valley".

Thus the Government
transferred the portion
known as Ouchterlony
Valley to the Tippucandoo
District.

Mr Sim apparently
opposed the transfer
even so far as it went
on the ground that it
included the property
of many natives of
Malabar under circum-
-stances adverse to their
interest, that he could

not regard the petition
as the [illegible] of the
inhabitants of S.E. Wynaad
for it emanated almost
entirely from Europeans
who find Ooty a pleasant
"residence" adding "I would
"rather incur the expenses
"of making Wynaad into
"a separate District
"under a Commissioner"

In reporting on this
transfer, the Commissioner
of the Hills and Malabar
& Malabar deprecated
extension of the transfer
beyond the Nuddibatty
Valley. They urged "in
"regard to the town Sodalour,
"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

Proceedings of Govt. dt. 15th July 1873.

against the transfer
"amongst 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 arrange-
"ment contemplated
"by Government of the
"Commissioner and an
"Assistant Commissioner
"holding Court at Sodalour.
"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 Commissioner
"And the work, moreover,
"at such a place is of a
"character that can
"scarcely be adequately
"provided for by periodical
Letters

"Lettings, the locality being feverish, and many of the most important cases connected with travellers or goods in transit?"

In his letter (dated 5 July 1872 No 36) disposed of in the same Proceeding the Collector of Malabar while discussing arrangements for the General administration of Wynaad, notices that in S.E. Wynaad there were 8,546 acres under cultivation in 1872 (N.B. the owners & superintendents of 2700 acres only sign the Petition) & 3734 inhabitants. How small a proportion of the latter assent to the proposal under consideration and no doubt as a body the indigenous population as well as Estate Coolies would oppose to mean the transfer of the jurisdiction of their homes to the climate and other inconveniences of the Hills.

The matter of the transfer was thus disposed of a second time in July 1873. But the irrepressible movers of the proposal revived it again in 1874. Their Petition is dated 5 Decr 1874 and the signatures are practically the same as those of the Petition under consideration.

The matter was carefully considered by all the Members of Government. I then laid before my Honble Colleagues that the Govt.* should not under any

* In Note of 12 Decr 1874

"Any circumstances
"Entertain a proposal
"which could not but
"be most distasteful
"to, and detrimental
"to the interests of the
"Native population."
I remarked on the
Several points raised
in the Petition which
are practically the
Same as now dealt
upon "that the importance
"of the retention of the
"tract in Malabar in
"the interests of the
"Malabar proprietary
"is greatly on the increase.
"The fact is these Gentle-
"men want to get rid
"of their Native proprietors
"as much as possible
"and they are ~~begin~~
"becoming sufficiently
"influential to be
"

I believe underlies
"the whole thing."
"The difference of
"distance is not great;
"the work to be transacted
"with the head of either
"District in person is
"but small and the
"removal of jurisdiction
"to Ooty would deprive
"the people of the tracts
"of the aid of the Deputy
"Collector in the Taluq."
The statements
with regard to "supplies"
is "absolutely untrue
"except as applies
"to "Europe Stores" and
"the like. All the grain
"of the people, salt, fish, &c
"come from Mysore
"and Malabar. So does
"all the labor. All —
"exports &c go from
the

"the Coast and the
"Monetary dealing of
"Wynaad generally with
"Ooty is small as is
"compared with that
"which takes place
"at Calicut as may be
"seen by bank transactions.
"The Affairs of Government
"are and
"always must be
"Malayalim Men - known
"to and more amenable
"to the Collector of Malabar
"than they ever could be
"to Ooty."

"The Registry Office
"must be a Malyalim
"Office, for all the proprietors
"are Malayalim Men.
"How could a Malyalim
"Registration Office
"be constituted at
"Ooty? What good
"to Malyalim people?
"South East Wynaad
does

does not pay a tenth
"of its Cost for Roads &c
"and would prove a
"new burden on the
"Hills instead of as now
"drawing from the
"Malabar Road Fund."

H.E. our late President
Considered the reasons
"Conclusive" for rejecting
the proposal, which
"indeed [illegible] preposterous
"on the face of it" and
the Hon'ble Mr Shin added
"Even if there were
"room for doubt such
"a measure could
"not be introduced
"without ascertaining the
"wishes of the Native
"proprietary & population
"and the result cannot
"be easily doubted."

I beg most earnestly
to invite my Hon'ble Colleagues
to

to adhere to the oft-affirmed resolution of Govt: and reject this Petition out of hand - a matter of this kind cannot be disposed of without canvass of the large landed (Jenmi) interests at stake in Malabar and of the indigenous population whose convenience is involved. The Collector writes that he must have a hearing and does not conceal his views. Can any one doubt for one moment what the result of such a canvass must be? more especially while one at least of the most prominent Jenmi on the Coast is smarting under the recent assumption - with heavy loss of rent or Jenmabhogam - and transfers to the Hills of a large area - the Nilambur valley.

Can it be doubted that the cultivation of the Nilambur valley is a [illegible]

valley - over which for long he had exercised every right of ownership under the sanction of the local officers of Govt. - Such a canvass will embitter every proprietor in Malabar against the European Coffee interest, excite their not unreasonable distrust of the motives and ulterior designs both of these lessees and of the Govt. as respects their rights of property and the safety of the litigation. The gold question is unsettled between us and will infallibly be held to be excessive cupidity, while every shopkeeper or inhabitant being Moplah or Canarese Coolg in the Country would earnestly deprecate the change. Why raise a contention which can end in

in but one way, unless the Govt. are determined to ignore indignant feeling and traverse every sentiment of the Country for absolutely no object either financial or administrative?

The Neilgherry District is already a heavy burden in the Imp. & Provincial Funds; extend the limits and further demands must follow. Add to it a third of Wynaad and the maintenance of the present over-costly establishment must continue and must be increased — as shewn by the late Experienced Commissioner; for it is futile to expect that an occasional visit of the Commissioner will

replace the existing local Revenue & Magisterial and judicial administration inadequate as even that now is. The whole question of the administration of Wynaad is under consideration and the requirements of this part will be more economically arranged & more in the interest of the whole District by maintaining it intact.

Let us weigh the effect of transferring one-third of Wynaad — with its local cess of Rs. 1,000 (on acres 8000 of Coffee land) to Rs 1,500 a year to the bankrupt local administration of the Hill — Now, Malabar bears the burden & loss and relief depends on maintaining the position of this tract in

in that District under
that the change of law
under contemplation
may take effect there
likewise - a transfer
will but confound confusion.

But the utter unsuitableness
of the change becomes
most manifest when
we consider the unsuitableness
of the provisions of Act I
of 1868 to such a District.
The amalgamation of
judicial & Revenue -
functions may (?) as
noticed by Mr Brooks,
be fairly tried in a
limited tract of Hill
country inhabited by
simple & rude Badagas
and Todas and a moderate
number of European
planters holding direct
from Govt. and squatters
on State wastes, and
Cantonment Shopkeepers
have little interests

system is utterly unsuited
to a country where all the
complex ~~and growing~~ relations
between an influential
proprietary and the State
are growing in number
and importance, where
questions between the
proprietor and the tenants
are multiplying, where
those intricate questions
of local law, usage, devolution
and right arise at every
stage; and where since the
beginning of the century
a sound and normal
judicial system has been
in force - a retrograde
measure of this kind
would be unsound in
principle, absolutely
offensive to the proprietary
and people and unworkable
in practice either as regards
agency or administrative
convenience -

In short our last
President

President thoroughly
grasped the position
when he stigmatized
the interested proposal
of these ill-advised
gentlemen as "preposterous
on the face of it".

2/10 J M Robertson

Judicial 1877 Depr

Recd 8 March 1877

Minute by the Hon'ble
Sir W. Robinson KCSI
Dated 2d October 1875 —

[illegible]

No 39

25 P

39 A

Minute by the Hon'ble Sir W. Robinson KCSI dated 9 Feby 1877

With reference to Mr Schmidt's letter dated 1st October and Enclosure he must be informed, that Government are unable to take into consideration an incomplete petition and that the Government will await his communication to the effect that it is complete.

He must also be requested to state the residence and occupation of the Tamil & Hindustani signers (there is not one Malayalim signature) of the Petition — Some of the Battiyas and

Judicial

No. 8

Pro-

and Estate Writers have dignified their masters Residences Estates. the butlers can be traced. but the Rovalers, chattes, females &c &c may possibly be Ooty Bazaar people. We must have all these signatures carefully analysed I shall be will to get a return of selimors, Banary (Kan: 1050) as proposing in the Legislature

I observe from the notes of my Hon'ble: Colleagues that they wish this matter of the annexation of S. Eldymaad - which was disposed of by the late Government So recently as last year, in connection with the changes then under consideration in respect to the administration of the Neilgherry Hills - reconsidered at the instance of these Petitioners It will be necessary of course to give the numerous Malayalum native proprietors of Wynaad and inhabitants of the tracts and the Collector of the District and Board of Revenue an opportunity of expressing their views on a matter of so much moment to those local interests. This can only be done when the petition can be referred to the local officers in its complete form for inquiry. Some delay will thus be occasioned in the disposal of the question more immediately before Government - if the petitions of the residents on the Hills is to be submitted to the Government of India in modification of the arrangements already sanctioned.

9/10

J. Robertson

over

No. 39

Judicial

Proc.

Judicial, 1877 Nos.

Mar. forwd by the Coll (Wells) with in limine
State with this Mem. the Submitted & all Mem. of Pr. by are or to take under
Consideration are accordingly incomplete
Petition what purports to emanate of
Land Owners in S.E. Wynaad & has signa
tures what may not be what they represent
what we are left to suspect=

11/10 M. Robinson

Proc. 5 March 1877
No. 394.

No. 394

No. 39

27 P

40 Minute. by the Hon. M. Robinson
dated 19 Oct. 1875

I regret that I cannot without further inquiry, bring myself to adopt the course proposed by the Hon'ble Mr. Robinson and reject off hand a petition from a considerable body of English planters who have invested their capital in S. E. Wynaad, and who are desirous of having that tract of country annexed to the jurisdiction of the Commissioner of the Nilgiris.

I do not think that Mr. Robinson is quite justified in comparing the

the present position of this part of the country with that which it occupied eighteen years ago - or in declaring that the Govt. have always deliberately and absolutely refused to listen to the request preferred for the annexation of S. E. Wynaad to the Nilgiri District.

In 1857/58 the planting interest in the Wynaad was inconsiderable - It is now of vast importance - In North Wynaad fifteen European planters are paying tax for 5,640 acres, while in South and South East Wynaad there are 102 European Residents representing Coffee plantations to the extent of 17,700 acres

while the actual expenditure of cash on the European Estates in these two Districts of South and South East Wynaad, for a single year, amount to 1265193 Rs. These figures, while indicating a very remarkable change of circumstances, justify the remark contained in a petition on the same subject, presented last year, that "In a district like Wynaad, however, the main point for consideration must be the fact that it is in reality an English settlement and bearing in mind the large capital the Europeans have introduced, the energy, spirit & perseverance that

that they have shown, it is but fair to expect that their interests should receive the support which they amply deserve."

In bringing forward these facts I would not be misunderstood as undervaluing native feelings and interests in the Wynaad – but I think, that in Mr. Robinson's Minute an undue weight is given to the fact that the Europeans are usually not the proprietors of the land which they cultivate; the proprietary right being held by natives. But surely these tenants who are converting wild forest tracts into well cultivated Coffee Estates

Estates should not be regarded with disfavor, nor should their reiterated applications be treated with almost insulting disregard – I would also point out how different was the tone adopted by the Govt in 1871 to that used last year and to that which is now proposed.

At that time there was no attempt made to throw discredit on the quality of the petitioners, or on the unanimity of the planters of South East Wynaad regarding the annexation of that tract of country to the Nilgiri District, for the Commissioner reports that the petition

was

was signed by all but three of the planters of South East Wynaad, and he affirmed as a fact ~~which~~ the Commr. Mr. Robinson discredits, that these planters bank at Cola-camund, draw their supplies therefrom, and that the inclusion of that part of Malabar would be a convenience to them. ~~He~~ The Commr. adds that the natives of S. E. Wynaad whether as plaintiffs or defendants would rather go to Mananloddy or Calicut than Colacamund - but he says, - Practically this is of little consequence as S. E. 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.

The Govt. did not consent at that time to the annexation of the whole of S. E. Wynaad to the Nilgiri District, but so far from considering it preposterous as Mr. Robinson would now designate such a change, they actually consented to the annexation of a portion of it, the Cuchterlony Valley, and said that 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 S. E. Wynaad might be

added

added to it, it will be easy to make the addition hereafter". I have ventured to make these remarks in order to remove what I believe to be a somewhat inaccurate view of the case.

I approach the settlement of the question without any bias and with the earnest wish that the important question of the administration of the Wynaad may obtain a satisfactory solution to all concerned. The moment for taking up the question seems favorable. The Govt. allow that the administration requires strengthening with a view to placing North and South Wynaad

on an equal footing as regards the sufficiency and location of the Govt. Officials. We have had recently under discussion the amount of work falling on the Commissioner of the Nilgiris and we have ascertained that the addition of S. E. Wynaad to his charge would not be an undue addition to his labors. There would therefore not be on this account the difficulties anticipated in 1871.

At present the Official Staff in the Wynaad consists of,

I. At Manantoddy.

(a) A 1st class Deputy Collector and Divisional Magistrate, who has also the jurisdiction of a District Munsif, i.e.

i.e. up to 2500 Rs in ordinary Suits and 60 Rs in Small Causes.

(b) A Tahsildar and Magistrate of the Taluq.

II. At Vythery,
A Deputy Tahsildar and 3d Class Magistrate.

III. At Goodaloor,
A Deputy Tahsildar and 3d Class Magistrate.

Both officials at Vythery and Goodaloor have also the jurisdiction of a District Munsif.

7. The Govt. - see order of 7th July 1875 - were prepared to add a Deputy Collector who would be stationed at a central portion of South Wynaad, probably Devala or Choondale. They were prepared

prepared to give both Deputy Collectors Small Cause Court powers up to 500 Rs; and to give the Magistrates at Vythery, Goodaloor and the Tahsildar Magistrate at Manantoddy 2d Class powers.

This arrangement will probably satisfy perfectly the interests of North and South Wynaad; and it may to a certain extent meet the wishes of S. E. Wynaad, but if we find that there is a strong and general feeling that it fails to meet the wants of S. E. Wynaad, it may be desirable to place this portion of the country either directly under the Comr.

Commissioner of the Nilgiris, or to make all appeals from the Deputy Collector of South Wynaad, both in his revenue and Magisterial capacity, &c., as regards cases affecting S. E. Wynaad, to the Commissioner of the Nilgiris. I am not aware whether there is any legal impediment to this arrangement; but should this be so, I do not see any practical objection to placing S. E. Wynaad under the Commissioner of the Nilgiris.

11 But before coming to a decision on these points, it is very desirable that we should be without doubt as to the real state of feeling

throughout Wynaad, and especially in so important a portion of it as S. E. Wynaad - I would refer this Petition to both the Collector of Malabar and the Commissioner of the Nilgiris, and desire them to ascertain from all classes interested their views on the question of the annexation of S. E. Wynaad to the Nilgiri District, furnishing the Govt. with statistical information in support of their views - such as population - distribution of property - source of labor - extent of land in the hands of European or Native planters.

12 I would ask the opinion of the S. E. Wynaad and South Wynaad Associations as

as to the extent to which the proposed addition of a Deputy Collector at Choondale or Devala - with the increase of the Magisterial powers to the Officers stationed at Vythery, Goodaloor and Manantoddy - would meet their respective requirements, and elicit from what we may consider a thoroughly reliable source, whether there is still any general and strong feeling such as is represented in this Petition -

R S Ellis

19. November 75

Judicial 1877 Dept.

Minute by the Hon. R. S. Ellis, dt. 19th Nov. 1875.

S. E. Wyrall

Proc. 6th March 1877
No. 40.

No. 10

No. 14

Malabar Collector's Office
Calicut 7th February 1876

4

From

W. Logan, Esquire,
Ag. Collector of Malabar;

To

The Honorable W. Hudleston
Chief Secretary to Government
Fort St. George.

Sir,

As I understand that a petition from the European Planters for the annexation of South East Wynad to the Neilgherries is already before Government, I have the honor to forward herewith for their information three petitions from the Natives of the 4 Amshoms comprised in that portion of the Talug, against such annexation. These petitions should have been forwarded some time ago but I have been anticipating a reference on the subject and so delayed sending them.

I have the honor to be
Sir
Your most obt. Servant.

W. Logan

No. 4

113

Memorandum.

In returning the three petitions received with the Chief Secretary's Memorandum of the 9th Instant No 190, the undersigned has the honor to forward a translation of the petition marked A and to state that the other two petitions marked B and C are mere copies of A. B is from the landowners and principal inhabitants of the Tampi-Kod Amsham and is signed by 49 persons and C from those of Ganapativattam and signed by 185.

Mal: Translator's Office
Madras 14th Feb: 1876.

Mal: Translator to Govt.

To
The Chief Secretary to Govt.

Signatures
A - 27
B - 49
C - 185
261

To

36 880

The Collector of Malabar.

The petition of the undersigned land owners and the principal inhabitants of the Mannanad and Cheanikod Amshams in South East Wayanad.

States

That Petitioners learn that certain Europeans who are paid servants residing here have lately addressed a petition praying that the four Amshams forming South East Wayanad may be annexed to the Nilagiris.

2. That the evils that will result from such an annexation in accordance with their prayer Petrs beg to point out below.

3. That Petrs and a great majority of other inhabitants of the Country are all Malayalis, following the Marumakkatayam rules of succession. As inhabitants of the District of Malabar, they now follow the Malabar usages and customs without any inconvenience. All their transactions and social intercourse are agreeable to those usages and

No. 12.

Principal Petn
Hanu Menon & others
Re Matriculation
Petition to join
Nilgiris
Recd 15 September 1896
Ans.

No. 880
Received
Translated
Forwarded, with &c.
Translation
Certain Petitions

that they are connected
and with the Malayalis living in the intervening
country as far as the Western Sea. There are no
people of their caste living in the tracts lying to the
East of Gudallur, nor do the customs of those
Eastern tracts of country agree with theirs. Neither
the climate nor the waters of such places suits them.

4. That Patrs who have been adhering to their
peculiar customs from time immemorial, will be
unable to proceed to the Eastern parts and there to
conduct any Civil or Criminal actions that may
be necessary in connection with their dealings
with reference to their land tenures, such as
Jenmam and Kanam, because they are ignorant
of both the language and practice of such places:
and the ignorant men of such places have no
acquaintance with the language or customs
of Patrs.

5. That although Patrs are not afraid that
any final order unfavorable to them will be passed
upon the representations of the European superior
evidents of Coffee plantations, who are unacquainted
with the manners and customs of this country, who
are

are simple lessees and who have represented
whatever their ideas suggested, without either
consulting the interests or convenience of the
poor native inhabitants or holding any com-
munication with Patrs, still their benightedness
makes them submit this petition, lest the
Superintendents may obtain a grant of their
prayer without Patrs' knowledge.

6. That they emphatically assert that
their journeying to Manantodi and such places
for the purpose of managing all their suits is
far more convenient to them, than it will be
if they have to proceed up to the Nilagiris.

7. That it is the opinion of the European
planters alone that the Nilagiri District is a
good place. Patrs are decidedly of opinion that
it will not suit them. They, natives, will not
be able to bear the cold or the dews of the hills
even for an Indian hour (24 minutes). It is needless
for Patrs to mention this to your honor, who has
resided long in Malabar and who knows the
customs and habits of the Malayalis.

8. That the annexation a few days ago of a portion of South East Wayanad to the Nilagiri Paloo still regret and will ever continue to do so: That they pray to God that the Amshams mentioned may not be annexed to the Nilagiri in compliance with the request of some Europeans and without reference to the grievances of the native inhabitants.

9. They therefore beseech your honor to take these circumstances into consideration to transmit their petition to the Superior authorities and to let their District stand as it is.

29th Octr. 1895.

Signed by 27 inhabitants

(A true translation.)

[signature]

Malayalam Translator Govt.

Enclosure 38 of 1896

Recd.

48

35 P

To The Chief Secretary to the Government of Fort St. George Madras.

From The Nillambur Kanavikisavom Sirumudpad of Nillambur

I have the honour to inform you that I am informed that an application has been made, a few days since, to the Government by some European Coffee planters of South East Wynaad, requesting the Government, three Amshams, in the said portions of Wynaad are to be annexed to the Neilghery District.

2. In this matter I beg to inform the Government, of my objections, by the following grounds.

3. Of the three Amshams that are requested to be annexed, the whole of Nambalacode Amsham being my jenm property, it is quite impossible on my part to come to the Hills

2 This difficulty [illegible] the manners, customs.

for the appeals of civil and criminal matters, because the climate is extremely fatal to the people of this country; besides this we cannot reside in the Hills as our religion demands. and as the language that speaks in the Hill, is Sandi, we are not able to manage our matters in the said Strange language.

I therefore request the government that the Nambilokodi Amshom should be excepted from annexing to the Nilghiry District.

As I am unable to come up to the Hills in order to inform the government, regarding my objections on account of illness, I depute my brother

14th June 1876

I have the honor to be
Sir
Your's most obedient

(40)

Nilgiri, in the year of the Christian Era 1876 the 14th day of June

The manners, customs.

This paper will of course come on record.

Paid Sir W. Rumbold as a mark of remuneration for detailed perusal of the original 4 Vols.

Note by Sir Collector of Malabar dated 29 June 1871

My opinion with reference to the annexation of the whole or of any portion of Wynad to the Neilgherries is, short, stated, that the whole or any portion of it may be annexed provided that adequate arrangements are made for the disposal by Civil Courts of Civil Causes in the Malayalim language.

The manners, customs

Resolution for Print Dec 5 July 1871

Wed Shelleen to practically impossible when the patteccary a Selection of Malayalim officials has not an open reading in a Zamut Dist: where there are no Malayalim servants a native (there is no Zamut) bar & there a Judge far never with spring up — Magisterial & revenue courts as will appear to be provided with persons acquainted with the language & customs & local laws of the Country — Mr. Logan's Condition is indispensable & I believe, in the long run, impracticable & this difficulty should not be

Customs, and landed tenures in Wynaad are similar in all respects to those of the low country of Malabar, and my strong point is that those manners, customs and tenures could not be properly interpreted in Courts of which the official language is Kanarese or Tamil. It is difficult to find an exact parallel, but if one could imagine an Englishman (knowing nothing of Germany) endeavouring to establish some intricate

added the above serious dispute, which arose the relative & subordinate administration of Wynaad — there is the Superintendt. of Police of Coimbatore & those chaos (including the Hills) Wynaad but have to be added unless a new district with separate Supt. of Police is created & full Malayalam recruits of a Malayalam country. The Wynaad Police is sent from Malabar & is mainly kept up by the fact that the pell of pay there is short.

and when there is neither Malabar Bar nor public opinion

Judicial (1876) Department.

(Signed) Proc. 8: March 1877

From The Principal Sadr of Nilambur in the District of Malabar

No.

Dated 17. } June 1876.
Received 27. }

No. 1791.

Objecting, on grounds stated, to the amalgamation of the Nambalavadi Lands, his family property, to the Nilgiri District.

No. 1, 3-

intricate point of English landed tenure before a German Court of Justice one would not be drawing a far-fetched parallel in no way. There are hundreds of Malayalam words which, so far as I am aware, have no Equivalent at all in Either of the other two languages. These words express fine shades of meaning which it requires a Malayali or one who has had years of Experience in the Country thoroughly to understand. The Customs, manners and

The words mean intricate & special laws of property & social custom & religion mystery obstructions & difficulties / [illegible] & frequent [illegible].

Aided & residing amongst those affected

and landed tenures of the Malayalam speaking people must be interpreted in Malayalam Courts of Civil Jurisdiction and I consider, I should be failing in my duty to the native population, if I failed to express a strong opinion that the annexation of any portion of Wynaad to the Nilgheries without adequate provision having been made to this end would be doing a great injustice to the people.

So long as the above is kept in view, it matters little whether the

With this view I entirely concur - from a conviction formed thro' almost a life-long connection & acquaintance with the Country & its people which I take occasion my duty to place earnestly before my Fr. Colleague.

With this I do agree all the

the transaction of native life in Wynaad, so far as they pass the boundaries of their own home, all those sympathies & all their social & religious connection is with their Coast - where especially in East & North Wynaad, their landowners generally reside - their money chests are drawn from the Coast - and to a journey thither they can combine an public business domestic & commercial affairs. At out they are absolutely cut off & shut up from every relation besides having to undertake what is repulsive to them - and we are asked to overcome every natural condition of the Country because some European settlers ~~papers~~ amongst them, pleasantly per out - while all their own commercial transactions (except perhaps banking) are carried on with the Coast -

Have not a multitude of the Govt. to propose offered the Administration can be far better ~~[illegible]~~ more acceptably to the population (and many of the European settlers) from the Coast & assured more efficient & safe - those especially with such an organization as Mr. Logan deems requisite

the Revenue and Criminal work is administered from Calicut or from Jotaka Cannanore.

If I am allowed the services of a Competent Officer, and if that Officer is relieved from Civil judicial work, I shall feel perfectly competent to administer the whole of Wynaad.

If on the other hand Wynaad is annexed to the Nilgheries, the Civil Jurisdiction of the Taluq should be made over to Officer of the Landing of a Sub-judge, and appeals from his decisions which

which would not in the ordinary course lie direct to the High Court should be referred by the High Court to the District Courts of North or South Malabar or to the Commissioner at Ooty, according as the parties might wish. The Sub-Judge would of course be more highly paid than the District Munsiff to whom, if Wynaad remains in Malabar, I have proposed to hand over all Civil Judicial work within his jurisdiction.

If Wynaad remains in Malabar I cannot too strongly press on the

This uncertain & luxurious arrangement = itself an argument against useless & unacceptable change — WS not work & satisfy.

the view of Government the perfect & unanimous & concurring & enough the independent & formed opinions of the three Collectors (myself included) who have had charge of the District since 1862. We have all brought prominently to notice the incongruity of a Revenue and Magisterial Officer performing also Civil Judicial work. That system acts well enough where there are no laws as when a Country is first subjugated, but all the ordinary Acts & Regulations apply to Wynaad, which for 70 years has been a settled Country.

Mannu Tos Nayk endorses this reiterated by person of experience & opinion & thinks that the confusion of functions in the Commissioner's organization on the Hills is one of the strongest objections to its extension here myself — where the inexpediency of the fusion of functions is & has long been felt — the one of the principal evils that the local administration suffers from —

The

The organization of Wynaad hitherto has therefore been imperfect, and I feel confident that if the administrative officers are relieved of their Civil Judicial functions and their Headquarters properly selected, the planters will have no cause to complain of not being represented in the Government of the Country.

I do not attach much importance to the native objections as regards climate, Caste, religion &c. The Neilgherry climate is much less of a change to a Wynaad man than it is to a low Country man. The Extra Cumbly or two required when a journey into Ooty is undertaken would very soon be understood. And as regards Caste, Malayalis are much too Clannish at present, and I think there would be no harm (perhaps much good) in forcing them into Communication with outsiders.

Ooty
June 29/1876

W. Logan
Coll^r Mal^r

I entirely concur with this view

I earnestly deprecate ~~Crowns~~ Mr. Lisfo-
sition here – we have no right
needlessly to traverse native
social & religious conditions &
superstition & to make light of their
climatic apprehensions & comfort
~~with~~ A Wynaad man is sufficiently
exposed to the better dangers without
our wilfully adding to them or
this Officer in protecting health
life &c asks not at our hands
but the position of being left alone &
not exposed to strangers & dry coolies
& I wd. give no more – Owd. on
contrary very they what is in the
natural & voluntary course
remove the prevailing exclusiveness

of Malayalee races but the
contrast will be effected & brought out
be unreasonably ~~forced~~ strained
forcing them into communi-
cation with an European
settlement & Sanitarium of the
first rank with whom & their
low caste dependants they
have simply nothing in common
W. Robinson

Judicial 1877 Deposn
Pro. 8 March 1877

I do not think the solution of this question is, apart from heat of discussion, very difficult of solution. The North East Wynaad is, I think, on a somewhat different footing from the rest of Wynaad. After considering the evidence before the Govt. I think there can be no doubt that the European interests very considerably preponderate over the Native & that the hardship connected with annexation as regards civil suits in wh. Natives are interested, is very small. — As regards the rest of Wynaad I believe the appointment of a Covenanted officer of the rank of Head Assistant, at Vythiry & of a District Moff for the whole of Wynaad (Sep. S. E.) under which all appeals would go to Calicut — & the Taluq will remain annexed to Malabar will quite satisfy the planters of Wynaad — & RH: 1/7/76.

Mr Innes
Sir H. Ross will be pressed
as an opinion will be expected
28/9 RH.

No 144

(Copy)

45 P

Manantoddy 4 August 1876.

45

To,

The Collector of Malabar.
Calicut.

Sir,

As we are under the impression that the address presented by a deputation which waited on His Grace, the Governor of Madras, lately to urge the annexation of Wynad to the Neilghiries might lead His Excellency the Governor in Council to believe that the whole of the resident European planting interest of Wynad was in favor of annexation, we shall feel greatly obliged if you will make it known to Government that the feeling in North Wynad in that matter is very equally divided so far as the resident Europeans are concerned —

The question was debated in one

local association and was carried in favor of annexation to the Neilgherries by a majority of two votes only, and of these two votes, one was a proxy representing a gentleman who has not been in Wynad for 25 years and the other was the vote of a Superintendent of an Estate who has left this District for South Wynad, but still retains his vote as a Member of one association

We, the undersigned resident proprietors are strongly opposed to annexation - we have &c -

signed/ J. R. Richmond.
" W. C. Dawson
" Herbert Dawson
" J. W. Woolridge
" A. L. Tod
" A. H. Anderson sig/ A. L. Tod.
" L. J. O'Halloran -

True copy, forwarded to the Chief Secretary to Government for information

Malabar Collector's Office
on circuit
Cannanore 10th August 1876

W. Logan
Collector

C.T.

Planters Association of North Wynaad
Manantoddi. 11 Aug: 1896

4p

47 P

From
The Honorary Secretary
Planters Association of North Wynaad

To,
The Chief Secretary
Government of Fort St. George
Ootacamund

Sir,

I have the honor to hand you herewith a copy of the Minutes of the Extraordinary General Meeting of this Association held on the 7th ult. to consider the question of Annexation; when a vote was carried in favor of Annexation by a majority of 3 — the majority representing some 3740 acres, whilst the minority only represented some 1900 acres, of coffee land in Wynaad paying tax to Government.

2. The members of this Association, who formed the minority on that occasion, have lately addressed Government through the Collector of Malabar protesting against Annexation, as well as against the decision that was arrived at by the majority;

they over that there was a Majority on that decision of two only, and they question the value of the votes of those two members because one of them was a "proxy representing a gentleman who had not" "been in the Country for 25 years and the other" "was the vote of a Superintendent of an Estate" "who has left the District for South Wynaad but" "still retains his vote as a member of our Asso." "-ciation."

3 – A reference to the minutes enclosed herewith will shew that there was a majority of 3; and not of two only. As regards the gentleman who has been ~~so long~~ many years away from the District, I have to inform you that he still retains a large interest in coffee in North Wynaad, and on that account alone is entitled to have his interest represented, which was done on this occasion by a member who holds a general Power of Attorney from him; he was only elected a member of our Association in 1874 on which occasion he was seconded by Mr. C. Dawson, one of the members who now appear to object to his exercising one of the ordinary rights of membership. With regard to the other member whose vote is objected to, I have to inform you that, though he resides in South Wynaad, his residence is within a very

short distance of the boundary of North Wynaad; and that the Estate which he superintends forms part of a large group of Estates, all the rest of which are situate in North Wynaad, ~~and~~ which are under one resident Manager living in North Wynaad and which therefore represent North Wynaad interests. ~~Further~~, this Superintendent voted in accordance with the views of his Employer.

4 – As a representative of this Association in the Deputation, which presented the Address or Annexation to His Grace the Duke of Buckingham on the 18th ult°, I have the honor to state that there was no intention of trying to shew that the residents in Wynaad were unanimous in the matter; but that the majorities of the two Associations of Wynaad, which have seldom held the same opinions, were so.

5 – Believing that time is of some moment I have not addressed You through the Collector of Malabar, as I otherwise should have done; a copy of this letter has however been forwarded to the Collector.

I have the honor to request that You will submit this to Government for its information.

I have the honor to be
Sir
Your most obedt. Servt.
J. M. Dittmar
Hon. Sec. Planters Assn. of North Wynaad.

Notes of an Extraordinary General meeting held at Wynaad Club on 7th July 1876.

N. C. Darcon Esq. in the chair

The Chairman read the notice convening the Meeting and said that so far as he was concerned he knew none of the arguments in favor of Annexation and what had led to the idea of its being brought forward.

The Honorary Secretary then read letters from the Hon: Sec: Wynaad Planters Association which explained the reasons for bringing forward the question so suddenly viz:

That it had been arranged that a final decision should be come to on Friday the 7th July with regard to all matters pertinent to Wynaad, the settlement of which has so long been pending, by the Governor in Council; after which Officers the Wynaad question would not have been respited by Government for a considerable time. That South Wynaad was of opinion that the severance of South East Wynaad from Malabar would tend to weaken the influence of Wynaad as a planting District; and therefore the Wynaad Planters Association had asked Government to suspend action in the matter until the Planters Associations in North and South Wynaad had been able to obtain the opinion of the members as regards the annexation of the whole of Wynaad. That in reply the Chief Secretary to Government had stated that the Governor of Madras had consented to allow the question to remain open until Friday the 14th July.

The Hon: Sec: explained that General meetings of the Associations had been called in consequence at the earliest date possible, both in Wyneberg

and Mananteddy; and pointed out to the members present that time was of the utmost importance, as only one week would elapse before the matter would come before the Governor in Council for final settlement.

The Hon: Sec: then spoke at some length pointing out, first of all, the objects which he maintained would be gained by Annexation. viz:-

1st. The Establishment of a Planting District, in which there would be no strong conflicting interests; at any rate no rival ones.

2nd. The increased attention which would be given to all planting interests by Government, which properly represented by a Commissioner, in whose District these interests were so important, as to overshadow all others.

3rd. The junction of the two most important planting Districts of the Madras Presidency into one Province which would in all probability be increased by the addition of Coorg, when that Province is detached from the Mysore administration on the accession of the Rajah of Mysore to the throne in 3 or 4 years time.

The objections to Annexation were he contended not numerous; and if looked fairly in the face would be found to disappear. Annexation he contended, was the only way of securing what we had been driving at for so many years viz. The Establishment on a proper footing of the Planting Interests of Wynaad, and of Southern India.

Mr. Richmond then in an able speech argued against Annexation; he urged that Wynaad had gone on very well under Malabar for the last 30 years, and that therefore the new idea of Annexation could not be good; he held that the question required further consideration and was too hurriedly brought forward; he was convinced that, if Annexed, was annexed, all our money would be spent in the formation of Rinks and Badminton grounds at Ootacamund.

and concluded by proposing the following Resolution
"That the question of Annexation of North Wynaad
"to Ootacamund is premature and be deferred for
"further consideration."

Mr. K. Parson in seconding the motion supported, and enlarged on, the views expressed by Mr. Richmond.

Mr. Pitters in proposing the following amendment acknowledged that the subject would bear further consideration; but under present circumstances, owing this day week being fixed for the settlement of the question by the Governor in Council, there was no possibility of postponing the subject for further consideration. A decision must be arrived at without delay and therefore he proposed
"That this Association is of opinion that, it would
"be very advantageous to Wynaad if the Shulgheries
"and Wynaad were formed into a Commission, and
"Wynaad separated from Malabar."
"That a Deputation be appointed to wait upon
"His Grace the Duke of Buckingham on the
"13th instant to act with the Deputation from
"South Wynaad in urging on His Grace the
"importance of such a Commission."

This Amendment was seconded by Mr Pitters.

The Chairman then put the Amendment to the meeting and the Ayes and Noes were found to be Equal.

After some conversation of a desultory nature the Amendment proposed by Mr Pitters seconded by Mr Cuddiscombe.
"That the voting power with regard to Annexation
"being so equally divided amongst the members
"present, the original proposition and Amendment
"be circulated to all absent members within reach
"and that their votes be taken as if they were
"personally present."

Carried unanimously.

The meeting was then adjourned till 4 P.M. of the following day (8th) to admit of the last resolution being carried into effect.

The adjourned meeting reassembled @ 4 P.M. on Saturday 8th July; and on the votes

being recorded it was found that there were

Ayes — 11
Noes — 7
Majority in favor of Amendation — 3.

It was then proposed by Mr. Lovins seconded by Mr. Jones.
"That Messrs. Dittmar, and Prudhomme be appointed to act in the Deputation"
Carried, unanimously

At the suggestion of the Chairman it was resolved that the travelling expenses of the Deputation on the Sealgheriles be paid by the Association

A vote of thanks to the Chair terminated the proceedings.

(Signed) W. L. Darren. Chairman
(Signed) L. W. Dittmar. Hon. Sec. pro tem

(True copy)

L. W. Dittmar
Hon. Sec.

Judicial (1876) Department.

Proc. 8th March 1877

From The Honorary Secretary Planters' Association of North Wynaad.

No.

Dated 11 } Augt. 1876.
Received 14 }

No. 2273
V Proceds.

Forwards a copy of the Minutes of the Extraordinary General Meeting of the Association held on 7th ult. when a vote was carried in favour of Annexation by a majority of three.

C. 1878
R. 218.

No. 46.

5.28

47

To His Grace The Duke of Buckingham and Chandos, Governor of Fort-Saint-George.

May it please Your Grace.

We, the representatives of the Wynaad Planters' Associations, have the honour to wait upon your Grace to urge upon you the expediency of uniting the whole of Wynaad to the Nilgherry Commission, and to pray that you will, under these circumstances, carry out the various reforms, so long promised and so much needed in our District.

2 Representing, as we do, the whole of the European Planting interests of Wynaad, we approach your Grace in the confident hope that the points we are about to urge will influence Your Government in the settlement of this important subject.

3 We would, in the first place, respectfully remind your Grace's Government that during the past

18 years the Home Government have constantly advocated the fostering of European enterprize in India.

Notwithstanding this reiterated expression of the feelings of the authorities at home, and the acknowledgement by the Indian Government of the wisdom of the policy advocated, we cannot help feeling that, so far as the Wynaad is concerned, the interests of the Natives have been the most prominently kept in view — And that, constituting as the Wynaad now does, a small portion of the large and wealthy Province of Malabar, it has been scarcely practicable for the Government to carry out the views of successive Secretaries of State, as to the paramount importance of the interests of the European Planter.

4 The Collector of Malabar, whatever may be his personal sympathies, apparently finds that, both by his policy and his instructions, he is bound to regard with the minutest care the interests of the enormous native population he is appointed to govern

and that the administration of the Province is so onerous that he is unable to devote that attention to our British Colony, which the Planters believe they have a right to expect.

They feel that they are at so great a disadvantage that they cannot even obtain the prompt justice fully accorded to Natives elsewhere throughout the country. This is shewn by the fact that it was only found worth while to report 110 cases of Breach of Contract to the Magistracy during the year 1873-74, although 357 cases actually occurred, involving a loss in advances of Rs 75.000.

It is the same with regard to the applications for land. Planters are put to indefinite delay, whereas the policy is, in all other parts of the Madras Presidency, to grant land to Natives without delay and without the vexatious system of competition by Auction.

5 The European Community of Wynaad are so strongly impressed by these facts that they, as a body, beg most earnestly to advocate the cession of

Tea grows with great luxuriance and there is no reason why the land tried without success for coffee should not be planted up with Tea. It is probable that Wynaad may some day rival Assam as a Tea growing District.

But these figures represent merely the area of land actually paying tax to government. We have no means of ascertaining the total acreage in the hands of natives, but the real stake of the European Planters is represented by some 430 Estates, comprising 150,000 acres of land, the great bulk of which will doubtless, ere many years elapse, prove an additional source of revenue to government, under the increasing cultivation of coffee, Tea and Cinchona, if the resources of the country are promptly and prudently developed.

The value of the growing coffee in the District may be estimated at upwards of Two Million pounds sterling, of which three fourths ~~and~~ exclusively represents the European interests. And the annual expenditure

on the Coffee in cultivation is not less than one third of a million sterling.

Although the direct revenue derived from Wynaad bears but a small proportion to the entire revenue of Malabar, it is beyond dispute that the general revenue of the adjoining Provinces is indirectly increased to a very large extent by the European capital invested, and still being annually invested in Wynaad.

In the year 1840-41 the total quantity of Coffee exported from Malabar was under 10 tons, whilst for the last five years the produce of the Wynaad, according to the Official returns, has averaged 10.000 tons. And the value of the Coffee now exported from the Madras Presidency is upwards of one hundred and twelve lacs of Rupees annually; being second in importance only to Cotton, the value of which is put down at One hundred and fifty eight lacs.

Moreover it must be the Policy of Government to stimulate productions exclusively consumed in foreign

countries, because they bring back money and so tend to counteract the adverse exchange, which has for the last few years been telling heavily on the prosperity of India.

8 For the last 10 years Planters have constantly brought before the Government of Madras the necessity of reorganizing the administration of the District. From the time of Sir Charles Trevelyan that of the late Lord Hobart, successive governors of the Presidency have acknowledged the claims of Wynaad and have, in their orders made various concessions; which however have, unfortunately, only been carried out to a very limited extent. In our humble opinion the progress of Wynaad has been retarded by the little attention bestowed on it; owing to plantation industry being a novel industry in the concerns of an already active country employed in agricultural pursuits of a totally different kind.

9 It is not however our object to complain of the past. We are here today to advocate what we hope will

prove a source of immediate advancement.

As before mentioned, we consider that our interests – those of an important European Colony – are merged and lost sight of in those of the large native Province of Malabar and we now wish to impress upon your Grace the advantage likely to accrue to our important industry, if the entire Hill district of Wynaad and the Neilgherries were united under one special commission, where the interests of the Planters would receive due consideration.

It is apparent to all that since the Neilgherry Commission has been appointed the welfare of the Hills has rapidly advanced. The European population is much more numerous, the acreage of land under cultivation has been almost doubled and we are given to understand that, under a contemplated amelioration of the land sales, a very complete occupation of land on the Neilgherries ~~will~~ is likely to take place. – In addition to this the wealth and prosperity of

the Natives have materially increased.

This must be chiefly due to the enlightened administration of the District and the increased attention that the interests of the settlers have received at the hands of Government.

If Wynaad were added to this Commission we trust that the same advantages would be extended to us. — The Commissioner would be constantly amongst us and, as our interests are preponderant, he would accord them the consideration that is their due, on that ground.

Under his immediate supervision the Subordinate Officials of the District (who have hitherto been so insufficiently controlled that they have laid themselves open to complaints of every description) would be selected with care and compelled to carry out their duties efficiently.

10 And here we wish to impress on your Grace the absolute necessity for the appointment of at least one covenanted Assistant, of superior powers both Civil and criminal, to be resident in Wynaad. And that

the subordinate Magistracy of the District should for the future be invested with first-class powers - the want of which has so seriously militated against the prosperity of the Island. We would suggest also that Honorary Magistrates should be appointed from among the residents in the District, mainly for the purpose of assisting in efficiently carrying out the Laws between Employers and Servants.

" We presume that our various Sub-districts would be adequately represented on the Local Funds Board and that the same grants for roads and other public works, which have hitherto been allotted, would be continued.

Of late years we have not had to complain as to the liberality of these grants, but we have constantly had to find fault with the want of economy shewn in their expenditure and the absence of proper consideration, in their application, to the true interests of the Planter. We hope that, under the new regime, minor details of this sort would rest more under our own control and, further, that any

schemes for the advantage and improvement of the District could be more promptly and powerfully advanced by us. It is evident too that the majority of the works originated by the Local Funds Board would have for their object the opening out of the country for plantations.

12 In again drawing Your Grace's attention to the neighbouring country of Ceylon, we need enter into no details - but merely point to the rapidly increasing wealth and prosperity of the Island, under an administration which in every way assists the Coffee enterprize.

We submit that our interests are identical with those of the Ceylon Planters and that an enlightened policy similar to the one which guides the Government of that Colony should be extended to us.

13 We are aware that Your Grace's Government have already under their consideration the question of the annexation of three townships of the Wynaad & the Neilgherry Hills.

While not wishing to oppose this step, we feel that such a partial change could do but little good; for though it would in only a ~~very~~ small degree enhance the welfare of the neighbouring District, it must necessarily diminish the importance of Wynaad, and our District would thus become even of less interest than it is at present to the Collectorate of Malabar.

14 It will of course be urged by some that the Natives of Wynaad would be opposed to the step we advocate. But we would first point out to Your Grace that the native Planter has merely followed the enterprising example of the European and that, without us in the District, they would never have settled there at all. It is evident moreover that their interests being in the main identical with ours, whatever is for our benefit must be equally advantageous to them. – Furthermore the cattle which they possess and the cereal cultivation which they undertake are due to the demand from the Planters.

This is clearly the case because, ~~before~~ in 1830 the only industry in the place was, we believe, gold digging.

We have been at some pains to ascertain the feelings of Natives on the subject of annexation and we find, through perfectly unbiassed sources, that those really concerned in the question, viz. the large Native Proprietors, would certainly not oppose the change: but, on the other hand, are undoubtedly disposed, in a question of this sort involving the improvement of the District, to be guided by the more advanced ideas of the Europeans.

15 In conclusion we would beg most humbly to express to your Grace our appreciation of, and gratitude for, the interest you have already shewn in the prosperity of our industry. And we earnestly pray that, in deciding this Matter, you will be swayed by views and opinions which we are sanguine could only be to the advantage of the entire Planting Community - involving,

as this does, a question on which your Grace's wide experience in the Mother country so eminently qualifies you to adjudicate.

We have the honour to be
Your Grace's
Most obedient and humble servants

Ed Thompson
Chairman Lower Wynaad
Planters' Association

F. W. Ditmas

Hon. Sec. Smith Wynaad
Planters Association

John S. van Reesema
Secretary

W. Nicholson Hubbleston
South South East Wynaad
Honorary Secretary
Wynaad Planters' Assoc.

Edw. Hamlin
Devala
South East Wynaad

Madras 1877 Despatch
No
Press March 1877

To
His Grace the Duke of
Buckingham & Chandos
Gov. of Fort St. George
&c.

From Representations of the
Hignoad Planters' Association
- Coorg -
- dated 1876 -

1 P

Received by Post on
Noted by
Forwarded
DESPATCH
Out

1. I regret exceedingly that I am unable to follow my Honorable Colleagues in their recommendation to the Government of India and Secretary of State to set aside the resolution of Lord Hobart's Government in 1874 and forego the retrenchment of the present unnecessary Expense & undue drain on the Covenanted Civil Service which are caused by the administration of the Neilgherry Hill District on its present footing as a Commissionership. That resolution has been accepted by them on, I think, all sufficient grounds, as the condition of replacing the Special Assistant in the Moplah Taluqs of Malabar from

from which he had unhappily been withdrawn; it had the careful consideration by Lord Northbrook's Government in 1874 and was reviewed again in 1875 and affirmed in the sense of the original Resolution of 21st April 1874 No. 721, under which the reduction of Assistant Commissionership was practically promised. The Officer can be spared. There is no more work of a character suited to an Covenanted Officer of high standing than he can overtake. If there be, he can be reasonably released with benefit to the administration, and without undue inconvenience to the public. And any measures to supplement the work on the Hills by assistance from the Malabar District will prove alike distasteful to its native proprietary inhabitants and inconvenient in themselves.

2. I endeavoured to bear in my Minute dated 20th April 1874 (Proceedings of Government, Madras 1874)

the

the history of the transition of the Special Assistantship of Malabar into the Assistant Commissionership of the Hills in 1868 - and I hold that results have failed to justify the measure as respects Malabar, where his presence was intended when the appointment was made many years ago to control persons that do not brook neglect in their earliest phases. This contingency has been promptly rectified by the temporary appointment conceded by the Government of India on the assurance that Equivalent retrenchement would be made on the Hills, where the reduction in the revenue demand appears to fall short, and I think that the promise should be fulfilled under the unchanged condition of things.

3 I was a willing party to the first Resolution of the Government of

I don't think the Proceedings mentioned to the Mistress have the Attorney's sanction for publication

of Madras of 1874 by which it was actually decided to reduce one officer — leaving the Salary of the Chief Civil Officer at the existing rate; not so to its subsequent modification, by which it was proposed to reduce the Salary of the Commissioner and retain both officers. Because — while willing enough to leave the ample salary as it is — I considered that one Covenanted Civil administrative officer on the Hills — so all-engrossing as important as the charge really is — should be more than Equal to the work there is to undertake; and that the reduction of the 2d officer who is superfluous, will enable local administration, which needs no special treatment, to be placed on the same footing as works well elsewhere, will restore the special

Covenanted

Assistant to Malabar without further Expense, and relieve the Covenanted Service of the Country which is sorely in need of Covenanted Officers, whose place we are constantly forced to supply by expensive Deputy Collectors. The modification was however carried, the Government of India has accepted the modification and it carries the promised retrenchment. It is dated 25th Septr. 1875. To this I was not a party.

Extraneously influence the Hills

4. The matter again came in for most careful reexamination in 1878 while I presided in Council, in consequence of local agitation directed mainly against the reduction of the Commissioner's Salary to Rs. 1,200 a month as proposed in the modified resolution. I then again laid the facts and statistics of work on the Hills before my Hon'ble: Colleagues when reviewing a local Petition, in the following form. The statistics apply to years prior to 1875 but no material change has taken place, they apply still.

+ 17 July 1875.

"The Petitioners confine themselves to generalities and are evidently in ignorance of facts & relative conditions.

The

"The analogy of the position and functions of a Collector & Magistrate and a Civil & Sessions Judge of a District in the plains seems to be relied on; and Equal Consideration in respect to these functions on the Hills is claimed. There is however in fact little or no analogy between the Cases; little indeed as to the duties or responsibilities devolving on the functionaries compared. The Neilgherry Taluq having been constituted a District under Act I of 1868 (Madras) assumes, it is true, a certain and very costly status as respects its administration and personnel, but much of the duties which are performed by its highly paid & numerous Commanded and Commissioned Officers scarcely rise above those of Taluq Magistracy and Officials".

In my Minute dated 21st April 1874 — to which reference may be made — I noticed some of the statistics of the Neilgherry Charge. The single Taluq contains 750 to 1000 Sq. Miles (of which a fourth of 90 per cent is uninhabited) and a population of say 80,000 inhabitants including the Nuddy valley (Tuda) or "say 60 to 65 to the Square mile — 75 per cent of whom are peaceful, rural & nomad Hill people, ~~and~~ 2000 Europeans (1339 including Military at Wellington) and East Indians (796). The Kusbah Ootacamund is a moderate sized town of 10,000 and Coonoor a village of 3000 inhabitants. Both are administered by their respective Municipal Commissioners and each has a bench of Magistrates appointed under the Act of 1874. Wellington has 2000 inhabitants (the Military included) and has a Cantonment Magistrate. There are 17 Rural Villages in the District, much of which, and before noticed, is uninhabited and the work connected with them is unimportant. The Public revenues of the Taluq in amounted in round numbers in 1874 to Rs. 1,50,000 — a sum which is largely exceeded by charges for permanent establishment (administrative, judicial, medical, ecclesiastically) employed on the Hills. The Neilgherry District is

Cultivated area including the Nuddy valley		acres
Ryots holdings		35,617
Coffee		@ 11,654
Tea		2,029
Cinchona:—		
Private	1315	3,059
Government	1744	52,357

@ In Nuddy valley — 3,936 acres

	Rs	
+ Land Revenue	32,696	
" Miscellaneous	12,818	45,514
Forest &	18,408	
Abkaree	72,763	
Stamps	15,636	106,807
		152,321

N.B. It is possible that some charge which properly belong to the Cinchona Plantations are included, while the receipts are not given — both of course belong to the Forest Department & should with the administration appear there. The same observation may apply perhaps to the Jail Department because of the confusion of administration & finance existing on the Hills; but the fact affects but slightly the question

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"is therefore simply a moderate
"and very Easy Tahsildar's
"charge, so far as area, population
"and revenue administrations
"and income are concerned;
"and but for the presence
"of the European Residents
"& Planters above enumerated
"in the Taluq and of European
"Planters, its Statistics would
"probably shew little be [illegible]
"in fact; it would form a mere fact
"of the ordinary charge of a Supervising
"Divisional Covenanted Officer. The
"Revenue duties of the charge are
"in the main simply those of a
"Taluq of very moderate dimensions
"and importance; and the functions
"which ordinarily belong to the Collector
"of a properly organized District in
"Canara be merely on the Hills, but.
"the employment of Covenanted in
"Civilians or some at least of the duties
"which ordinarily fall to Tahsildars
"and their superiors
"constitutes a costly agency for the
"revenue administration of a poor
"and in part nomadic and uninhabited
"Taluq."

R.S. It may be interesting
to compare this District
with Wynaad — the Plantation
Taluq of Malabar. The
Taluq has an area of
1115 Sq. miles or 125,938
(1871) inhabitants or 112 to the
Sq. mile, of whom 26 are
European planters and 491 are
Native Indians, and yields
a Land Revenue of upwards
of Rs. 55,000. This a Deputy
Collector & Tahsildar's charge
(with Deputy Tahsildars)

Commissioner's letter
of 19th Aug [illegible]

70

"Even the special (if it may be
"so called) business of the Taluq — the
"sale of waste land for Plantation
"and other purposes — appears from
"the Commissioner's letter to be limited
"and probably wholly unremunerative

* R.S. Acres 300 represented
to have been sold in 1874 are
omitted as the Survey charges
are not shown. The fees for
them (Mr Liddell) is Rs. 1-2 per
acre, while the average
Survey on the Hills appears
to be Rs. 8 per acre. When
these are included the profits
will be so small that the
matter may safely be left out
of the accounts.

	No. of Lots	Land Sold	Survey charges	net Profits
		acres	Rs. a. p.	Rs. a. p.
1870	20	183.50	473 8 1	75 15 [illegible]
1871	22	110.88	274 1 .	386 14 [illegible]
1872	15	164.46	372 8 6	2193 [illegible]
1873	9	344.30	677 12 9	2329 3 3
1874	15	1137.95	1393 3 1	13615 14 [illegible]
Total	81	1941.09	3091 1 9	18601 [illegible] 3
Average	16	388.21	Rs. 8 per acre	

"The above Statement shows that some
"3000 acres were sold in 5 years between
"1870-74 with a net profit (Statement
"to be included) of say Rs. 18500 or
"Rs. 3,700 a year (excluding of Survey
"charges) an amount which would
"probably disappear before a debit
"of administrative charges; and
"the sale up to August of the current
"have been acres 300 only (net profits
"not stated). In the meantime we
"have been obliged largely to abate
"(and remit arrears of) a moderate
"scale of assessment which is not
"shown. Some accession to the demand
"for land is promised by the Commissioner
"if, what he terms 'more liberal rules'
receive

"receive the assent of Government.
"Further concession no doubt maybe
"required both as to prices and annual
"assessment, to induce occupation
"of our poor waste grass lands by
"the Superintendent & somewhat doubtful
"plantation of tea, but it will be at
"the sacrifice of both net profits on
"sales and hoped-for current revenue.
"And I am afraid that possible
"increased demand for land cannot
"be treated as such a financial prospect
"and probable success, as to justify
"extravagant outlay on the consumed
"agency also despite of these agricultural
"applications which apparently far exceed
"actual transactions. The cultivation
"in the Anaikatty Valley was transferred
"in full operation from Malabar
"and is practically in Wynad. It is
"private property yielding a very
"moderate & disproportionate income
"to the State & possibly not covering
"its expenses. The Revenue administration
"does not justify its present cost."

"As regards the administration
"of Law & Justice in the District, the
"same moderate requirements as
"respects highly paid covenanted
"agency, present themselves. The Taluq
"is comparatively free alike from grave
"crime & serious civil litigation, and
"neither can be said to be on the
"increase. Further there is nothing in
"the unimportant character of either
"which need necessarily exalt the
"means for its disposal above the
"ordinary Taluq & District agency
"of the Country and require superior
"civil or sessional provision."

"The following Tables show the
"work under both heads:—

Criminal Justice

	No of Offences Committed	No of cases disposed of summarily: By Magistrate 3d Class	By 3 Magistrates of the Class (Europeans)	No of committable cases tried by Sessions Judge
1868	1050	337	390	15
1869	980	178	574	7
1870	836	124	535	5
1871	1007	106	696	8
1872	1038	115	587	7
1873	1356	138	1,226	11
1874	1441	163	1,278	11
Total	7708	1153	5,220	54
average	1,101	165	746	8

Civil Justice

	as Civil Judge to Sub Judge	as Criminal Judge: Trials	Appeals	Total	as District Munsiff to S. C. C. Judge	Total
1865	12	–	–	12	281	293
1866	34	–	–	34	535	569
1867	12	9	12	33	418	461
1868	12	16	9	37	231	268
Total	70	25	21	116	1465	
Average				29	366	
	Judicial Commissioner				Assistant Commissioner	
1869	6	8	9	23	225	248
1870	19	7	6	32	198	238
1871	5	8	3	16	184	200
1872	3	7	7	17	187	204
1873	8	1	11	20	246	266
1874	7	11	14	32	273	305
1875 (Three 30)	0	5	5	10	108	118
Total				150	1421	
Average				21	203	

"A glance at these figures which
include

"include those of the local Towns,
"shows that the real requirements of
"the Charge under both heads are on a
"very moderate Scale, and that the
"practical functions of the officers
"— their number is shown in my Minute
"of 21st April 1874 — who are engaged
"in their Execution are not of a high
"order. Yet the Cost of the administration
"under Law & Justice on these Hills
"is unparallelled — about 1 Shilling
"as: 12 per head of the population
"while the taxation is but 10d: per
"head — because Covenanted and
"Commissioned Sub-Magistrates and
"Munsifs constitute a Cost of Agency
"to deal with petty Crimes & Tradesmen's
"Shop bills; and a Civil Sessions
"Court is a somewhat inflated —
"Climax under the circumstances".

"At the head of such Agency
"Criminal Justice alone costs Shillings
"Some 6 to 7 as: a head on the Highgory
"Hills, against a General average in the
"Presidency of, I understand, about
"3 pies per head and each petty criminal
"case on these Hills costs the State not
"less I am told than 5 to 10 times
"what it does below. It will be
"observed that the year's offences

"do not much exceed in number
"those of a fair sized Taluq with
"populous Cutcheries; and judging from
"the Statistics of crime probably 80 to
"90 per Cent of all the cases are such
"as could be disposed of by Native
"Magistrates of the 3rd Class & by Village
"Munsifs. But under the existing
"Constitution of the administration
"the bulk of these petty cases are tried
"by Cost & Covenanted & Commissioned
"Officers — now to be further relieved
"by 2 benches of Magistrates in the
"Towns of Ootacamund & Coonoor, where
"the bulk of the petty crime now adjudicated
"upon occurs — And yet we maintain
"a Sessions Court for some 8 Committed
"Cases in the year. For such is the
"average number with which the
"Judicial Commissioner had to deal
"with between 1868 & 1874 including
"probably a majority of the cases
"which could ~~not~~ have been disposed
"of by the Magistrates with 1st or 2d Class
"powers without Committal in other parts of the Country. Out of
"12 Cases tried by the Judicial Commissioner
"in 1873 & 1874, 7 were cases within the
"Competence of 1st Class Magistrates
"and the proportion was still larger
"in preceding years under the less
extended

"Extended Magisterial powers conferred
"by the original C.C.P. Probably 30 or 40 cases
"a year comprise all the Sessions cases
"properly so called, that ordinarily occur.
"The District Magistrate or Assistants
"Commissioners tried only 4 cases in 1874
"and none in 1873. There was absolutely
"no appeal from a lower Criminal
"Court to the District Magistrate in either
"year, and the Supervisional work
"over the native Subordinate Magistracy
"— there is only one I think — has now
"practically been assumed by the
"High Court. A few unimportant
"Criminal appeals now go to the
"Judicial Commissioner because
"here the original trials (however trivial
"the offence) have been held before Bench
"1st Class Magistrates such as would
"in other Districts go to the Divisional
"Magistrate, but even so the appeals
"of 1874 were only 14, and in the first half
"of the current year only five. The
"Judicial Commissioner's Sessional
"cases and 14 petty criminal appeals
"must have cost the State a Session
"le Sessions in 1874".

"Practically therefore there is
"no adequate employment for the larger

"Cost and indifferently — adjusted
"Commanded and Commissioned Agency
"which we employ on Criminal Justice
"on the Hills. There is clearly nothing
"which need necessitate the maintenance
"of a Criminal Judicial System and
"Establishment which costs relatively
"to population 4 — probably 10 to 15 times
"as much as the more onerously burdened
"Establishments engaged in the
"same work in the low Country. They
"are further employed almost exclusively
"on crime of the most ordinary
"and unimportant character.
"It is therefore futile to dwell as is done
"in these Petitions on the dignity of
"the Sessional functions of an
"Officer who has practically little
"or nothing on which to exercise them".

"The remedy lies of course
"in requiring the lightly-taxed Magistracy
"to do their duty — light indeed compared
"with what falls to the lot of men in other
"parts — and the transfer of 30 or 40
"Sessions cases that may occasionally
"occur on the Hills in the year

to

to the Court at Coimbatore (easily reached in 24 hours by Rail &c) will neither burden that exceptionally light Court nor unreasonably tax the patience of the public. In very few such cases are Europeans engaged.

"The Cost & circumstances of the administration of Civil justice on these Hills is equally open to remark as to their disproportion to the importance of the interests involved. The above statement shows that litigation is not on the decrease and the marginal notes indicate the unimportant character — chiefly trademen's shop-bills — of the suits. The Civil Judge has disposed of 8 suits of the value of Rs: 27,198, in 2 years or an average of 4 suits of Rs: 3,400 each in a year. The Assistant Commissioner (Munsif) has one suit of Rs: 300 a week and a small cause case of Rs: 84 every other day. Taking one-half of the salary of the Commissioner & his Assistant at cost of establishment, the administration of Civil justice to deal with litigation

No: of Suits instituted in 1873 —		1874
District Court Side —	7 —	4
District Munsif Side —	57 —	68
Small Cause Side —	189 —	204
	253	276

	By Judicial Commissioner		By Assistant Judicial Commissioner			
			District Munsif Side		Small Cause Court Side	
	No	Amount	No	Amount	No	Amount
1872	6	21,604	54	11,327	196	17,533
1873	2	5,594	62	24,020	197	15,482
Average	4	3,392	58	304	196	84

12·13. "This is of course a rough calculation but serves to enable an estimate to be made of what this branch of administration is costing us actually".

litigation involving Rs: 53,000 cost Rs 24,000 (or 40 per cent) in 1874. Each suit costs the State apparently Rs: 80 while the value per suit was Rs: 200. If it were difficult to calculate the cost to the State of litigation before a Civil Judge who had 4 original suits and 3 appeals probably worth Rs 5000 to deal with in a whole year (1874): The recent extension of the jurisdiction of the Munsif's Courts will reduce the work of the Civil Judge to a minimum, without probably largely increasing that of the lower Courts. It seems to me simply puerile to urge the dignity of the functions of a Civil Judge on the Hills in the face of such circumstances & facts — Wrong I hold to continue them".

The only reasonable remedy lies as it seems to me in clearing away the form of maintaining a District Civil Court where there is nothing for it to do, and transferring its longwinded functions to the lightly-worked Civil Court of Coimbatore. — The abolition of the more or less titular Civil & Sessions Court at Ootacamund will clear the ground for

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for Lower & more reasonable & more moderate administration under every head in the District."

These measures of course involve the repeal of Act I of 1868 as originally intended by Lord Hobart's Government, which I hold to be desirable. The Act is inconsistent with appears to me with more than one of the first and best established principles of our administration, in that it discovers Magisterial & Revenue functions everywhere else usefully united in the Officer who is the head of the administration, and unites Revenue & administrative powers with the highest judicial functions everywhere else wisely kept separate. The Commissioner is, under it, the Collector of the District, but he is at the same time Civil & Sessions Judge and Principal Sudr Ameen of his own Charge. A Traveling Junior Assistant is Magistrate of the District, head of the Police; and practically also an independent judicial Officer as Munsif and

Judge of Small Causes. He is Pounds' Manager & Ex-officio and in his ~~Revenue~~ Capacity as Assistant to the Commissioner does some of the minor duties of a Taluq Shereshtadar, his Treasury Officer & Cashkeeper. The nominal Head of the District is thus legally deprived of all Magisterial power & control over his Magisterial Subordinates and the Police in several important capacities, and he is in the Eye of the Law not the principal Executive Officer of his Charge in the Exercise of functions in respect of which his junior's Submission is not matter which can always be relied on to avoid the collision under the largely intended powers of the District Magistrate by the new C. C. P. for the Law and recent orders of the High Court and Government practically vest the entire Control and General Supervision of the local Magistracy, Police &c in the hands of the District Magistrate - the junior Officer. The Government in fact pay the Senior Officer a high Salary but the Law leaves

leaves him little to do; while for all practical purposes by far the major part of the work whether Magisterial or Judicial or Executive must be done by the Junior and it is within our own observation that the Municipal or other Miscellaneous duties of the Station devolve on him almost exclusively with the civil & Sessions judge as President of Municipal & Local Fund Boards.

N.B. Apparently less than one per cent of either the Civil or Criminal litigation of the District comes before the Judicial Commissioner

"Again Confusion apparently reigns in the Offices of the Commissioner and his Assistant. The Revenue Establishment belongs to the Commissioner and the District Magistrate has practically perhaps no independent or undivided authority over the Establishment; the Clerks are the Commissioner's subordinates either in his revenue or judicial capacity and these again are in a great measure indiscriminately employed on Revenue, Magisterial & Judicial work — original and appellate — in fact apparently nothing ever can pass out of the hands of the Commissioner's Manager & Sheristadar in his manifold capacity of Manager of the ~~Magistrate's~~ and of the Collector's Office and probably Sheristadar of the different Judicial Courts. The want of arrangement appears to me objectionable and must naturally fail to command either respect or confidence."

5. I will interrupt my review of the thing here to give the view of the Capable Commissioner (Mr. Brett) of the District in 1873. after some years' experience of the working of the Act of the union of functions. He observed:— "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 favor is that the Subdivisions are small in area, sparsely populated and peculiar in their isolated geographical position." And added that while the Commission had answered fairly well hitherto in

under

under light pressure, "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
Headquarters, it will scarcely be
possible to do justice to either branch
of the administration. If an alteration
of boundaries be contemplated
so as to include S. E. Wynaad within
the Neilgherry District, I feel satisfied
it will greatly add to the efficiency
of the administration, if the consequent
addition to the District establishments
could be made to take the form
of at least a partial separation
of the Judicial & Revenue Departments.
The best of all would be to form
the Neilgherry District into a separate
Collectorate, with separate Revenue
and Judicial Officers." We have
not the opinion of the present
Commissioner on the working of Act I
of 1868; but I have learnt from the late
Assistant Commissioner that he
did not think it satisfactory.

I will notice the subject of the
proposed

proposed amalgamation of S. E. Wynaad
later on, but I may remark that
I fear that the Act must prove
unworkable where we have to do
really with wild tribes. In my note I further added
"with a view to the future administration
of this Taluq or District, I would
repeal Act I of 1868 as intended
originally by Lord Hobart's Government
and restore the ordinary course
of administration. I would appoint
a 1st Class District Munsif
(European or East Indian) for the
administration of Civil Justice
within the ordinary powers of such
an Officer and leave the very few suits
beyond his jurisdiction to the Civil
Court at Coimbatore. The abolition
of the Judicial Shereistadar would
provide part of the funds required
for the office establishment. As respects
Revenue and Magisterial functions
a single European Covenanted Officer
as Collector & Magistrate will suffice
and I would appoint a 2d Class Tahsildar
and Sub Magistrate to the Taluq
who should exercise his Magisterial
functions outside the limits of the
Station

"Station – the Military Commissioner & "Officer still taking those duties "within the Station & presiding over "the bench of Magistrates of Ootacamund "when sitting. The abolition of the "Sheristadarship of the Commissioner's "office (Rs: 200 a month) and substitution "of a manager of the Collector & Magistrate's "office would furnish at least half "the sum required for the Tahsildarship, "and the subordinate office establishment "need not be large. The Tahsildar "would execute all duties connected "with the Pension & Cash Department, "for the latter need not be burdened "with a branch bank at the Station. "There is a Deputy Tahsildar and "Sub Magistrate at Coonoor who "would then exercise as now both "Revenue & Magisterial functions "under the Tahsildar".

I would appoint a Collector "and Magistrate of the District on "Rs 1,200 to Rs: 1,500 a month, who would "more than suffice for the Revenue "and 'land-sales' duties and for "those supervisory & magisterial functions which ordinarily devolve "on such an officer. Sessions Cases "would be committed to the Court "of Coimbatore. The Commissioned "Magistrates would manage as now "at Ootacamund & Wellington. The "Revenues of the District are too "small to justify more expensive "administration, & I consider that "it will be advantageous that the "Collector & Magistrate of this small "District should not be paid too "high as to tempt him to settle down "for life in a genial easy post. We "want an active, zealous younger "man who has a name to make and "aspires to a more important and "lucrative situation, to do justice "to the office".

6. 6 It will be observed that I consider the salary of the Sub Collector grade with some addition would suffice for the administration of the Hills in the ordinary course, which would leave ample funds for the organization, but I cordially concede the desire of my Honble. Colleagues to maintain the salary of the Civil Officer provided

– provided he be the Sole Covenanted Officer – on the Hills at the rate now allowed to the Commissioner & they to support this Recommendation –.

7. I attach however much importance to the appointment of a native Tahsildar and Taluq Magistrate of the higher class. There is a Deputy Tahsildar at Coonoor with jurisdiction over Mekanad and Parangaiad But it must be borne in mind that probably more than half of the population of the District are native agriculturists and nomad & still tribes, and I am satisfied – the extraordinary difference in cost apart – that the native agricultural population are entitled to the supervision & sympathy of a superior native Revenue Official and his office Establishment to transmit the business with, & that it is neither politic nor fair to bring them on manifold occurrences and on trivial (perhaps yet to them important) matters face to face with the Commissioner or Collector & Magistrate of the District as he should be

As per Census of 1871.
Hindus — 42,457
Mahomedans — 1,936
European & Eurasians } 2,135
Native Christians } 2,935
Others — 44
Total — 47,501.

and his more or less Europeanized office as the Revenue Official of the Country and with European Magistrates on all sides – I fear lest anxiety about the moderately numerous European section of the population may lead to losing sight of native interests and sympathies. Under this arrangement almost all the miscellaneous and more important Revenue duties now performed by the Commissioner together with the Stamp, Cashkeeping &c &c work of a Taluq Sheristadar now devolving on his assistant, would almost entirely disappear & be done by suitable and cheap agency – leaving the former more than time for such work and supervision as properly belongs to an officer of his standing & salary on these Hills.

8. It will thus be seen that the whole matter was most carefully re-discussed while I presided in Council in 1875 – My Honorable Colleague during that time – the Honble: Mr. Hudleston – while he advised, with reference to the conditions of the Covenanted Service, the interest of the Hills & demands of the position, that no reduction be made in the Salary of the Chief Civil

Civil Officer on the Hills, "was not in "disposed to urge the retention of the "Commissionership on its present footing" and concurred "that one Commission "Officer of Superior Standing would be "sufficient - I would abolish the post of "Assistant Commissioner altogether which "would effect the desired Economy". The Honble: Mr Ellis also remarked "If the Government "reject the proposal to annex S. E. Wynaad "and resolve to retain the present cost "of the Nilgherry District, I would then adopt "the Honble: Mr Hedleston's proposals, + + + "under this combination the Office of "Assistant Commissioner would be abolished". The subsidiary arrangements for the management of the Nilgherry District which my Honble: Colleagues then suggested would have in more respects than one my cordial support at this moment - but as they do not affect the question before Government - viz - the fulfilment of the expectations held out by Lord Hobart's Government, they need not be further quoted. But the fact remains that the resolution of the previous Government in respect to the possibilities of reduction of Commanded Agency in the Nilgherry District as its present stands, was re-affirmed by the two Governments of the day, of both of which I was a member. This must furnish my apology for venturing now to differ with my Honble. Colleagues now, which I heartily deplore.

9. The resolution has not been carried out in the main out of consideration for the present incumbent whose retirement was fully expected when the modified resolution of 1874 - providing future Equal retrenchment - was submitted to the Government of India, and I venture still to hold that it should be effected at once now that his retirement has become a fact. And additional expense has been incurred in restoring the Special Moplah Assistant to Malabar for fully two and a half years under the considerate permission of the Government of India.

10. If further relief to the Civil Officer on the Hills be really required in respect to reversional duties, I venture to recommend as a sound measure of administration the immediate transfer of the Cinchona

Cinchona plantations and of the Gardens at Ootacamund to the Forest Department — as respects the former, the woods & shola[illegible] of the whole range — including the Kundahs & those in the Neddiwattam — have already been transferred to the Imperial Department because their administration by the Civil Officer had produced a serious deficit, and there is a full scientific & professional establishment on the Hills for the supervision of subordinates in charge of the Cinchona Plantations amongst other duties. The head of the Department — a scientific Botanist and Arboriculturist — has his Head quarters on the Hills and resides there for several months of the year; and the Forest Officer (Major Lang) with a greater circumscribed charge as compared with his predecessor (Mr. Bergen) also resides almost permanently on the Hills — the Cinchona plantations being more or less in

the direction of his charge at Madumalai & peculiarly accessible to him. It did not matter while the late Mr. McIvor was alive who supervised the professional working of this Superintendent, although he (Mr. McIvor) complained — possibly not altogether without reason — of the measures taken by the late Commissioner in respect to them; and I do not myself think that the harvesting of bark has latterly been sufficiently attended to pending the proposal to purchase the Gardens made by Mr. McIvor's partner Mr. Money — but now that Mr. McIvor is gone, I confess that it is of real importance to place this important matter in professional & strictly responsible hands. The Gardens at Ootacamund, Coonoor & Burliar would be greatly advantaged by scientific superintendence & closer supervision.

11. If the Commissioner Town Magistrate requires relief as respects

respects the European Jail - I submit that we have two Medical Officers at Ootacammund with little or nothing to do during 6 or 8 months of the year & not one worked during the 3 or 4 months of the visiting season. Further the Head quarters of the Inspector General of Jails is at Ootacammund throughout the year, so that the European Jail and the small (hastily temporary) native Jail might also be usefully entrusted to a Medical Officers charge.

12. Again I venture to think that the Management of Municipal matters in Ootacammund has long been permitted to burden unduly public time & finance. The Commissioner is the President and his Assistant Honorary Secretary to the Ootacammund Municipality and practically nearly the whole work is thrown on these State Officers. The judicial position of both obviously imports incongruity into these functions, but further, from a financial & administrative point of view the thing is I venture to think wrong. Ootacammund is a town with a fair number of European & East Indian residents of position, some of whom would and should be able in efficiently to manage their municipal matters through their Vice President under the President's advice. Ootacammund enjoys more than liberal subsidy from the Provincial Funds provided by the State and employs the time of the Engineer and Medical Officers. Still the present European residents do, I fear, little for themselves, and the State practically maintains, besides the President, the really working man whose time is unduly occupied with matters which others should do. The residents I venture to think should be left, in the interests of the State and sound municipal management, to find their own working staff — or if an official Honorary Secretary

or

or Vice President be required, clearly the Commissioned Lower Magistrate & not the District Magistrate is the proper person to be charged with these duties. The single Covenanted Officer who, I still venture to think, should constitute the future Covenanted Establishment of the Hills would be President of the Municipality in Office & aid in its administration as he does at Coonoor.

13. The repeal of Act I of 1860 (Madras) would here also prove convenient. In no other part of the Presidency is the Civil and Sessions Judge Ex officio the President of the Municipal and Local Fund Boards of his District and the Magistrate of the District excluded. The functions appear incongruous and probably scarcely work smoothly in general: the reverse works well elsewhere. The peculiarity

of the position is perhaps sought to be overcome in the Station of Ootacamund by electing the latter to be Honorary Secretary and practically the Executive Officer of the Municipal Commission, but the Law does not recognize the position & the Vice President and not a Covenanted Honorary Secretary is the proper person to manage the Establishment and exercise more immediate Control over Municipal Matters. The whole thing has a Costly tendency.

14. I still therefore submit that there is no such change in Circumstances of the Hill charge — so easily relieved if necessary — as induces me to withdraw from the first Resolution of Lord Hobart's Government in 1874 acquiesced in as it was by the Government over which I had the honor to preside in 1875 - viz that there is no sufficient work - under proper subordinate organization - for more than one Covenanted Officer of the highest grade. And Experience shows

shows that the 2d officer – who is also an officer of the higher grade – is superfluous, and that the repeal of Act I of 1868 (Madras) will not be inconvenient. I therefore still venture to hold that the retrenchment offered in order to justify the Government in replacing the Moplah Taluq Special Assistant in Malabar may stand good without disadvantage.

15. His honour expects that by annexing a portion – say one-third – of the adjacent Malayalim Taluq of Wynad, known as South East Wynad, to the Tamil Commissionership, sufficient work will be found for the still Establishment of Covenanted agency on its present footing; and that the operation of Act I of 1868 (Madras) may be extended without disadvantage to that Malayalim District. I will notice later on the serious

Considerations

considerations against this proposed further dismemberment of that Malayalim Taluq of Malabar as they present themselves to my mind. I will merely now notice the financial and administrative difficulties which seem to me to exist. I confess that I entertain great fears that the area, population and importance of the proposed annexation – with the jurisdiction, I believe, of a single Native Sub Magistrate and Deputy Tahsildar and one-third of the Deputy Collector's Civil, Executive and Supervisory charge at the present moment (he having Civil Court functions) – will fail to realize this expectation to an extent which will justify an arrangement which must, I fear, be viewed as fragmentary, as according to the small tract a special Covenanted officer of the grade of a Head Assistant Collector and Magistrate, and I regret that I am unable – the result

result of large local expenditure and of local official advice — I join in this assurance. The transfer of the Reddiwattam Plateau in 1858 & 1863 and of the Ouchlidong Valley in 1872 from Wynaad to the Neilgherry District, have alike failed to provide the necessary occupation for his Uncovenanted Officers on the Hills and I confess that I do not anticipate far dissimilar results from the limited further amalgamation proposed. We have before us a Complete Statement of the work of the Entire Laboy of Wynaad (Civil jurisdiction included) now under the charge of a Single Deputy Collector (for whom it may be expedient to substitute a Covenanted Officer). The work is clearly moderate and the Collector states "the work of the Entire division is just about sufficient for one Deputy; and two Deputies (the Employment of whom the Government had suggested for his consideration) would not find sufficient Employment."

In perusing the statistics of Criminal work of the Subordinate Establishment he observes that "it is manifest that they are not over-burdened with work. While he holds the Civil work to be a Competing very small task for one District Munsiff." In my judgment he is quite right. The entire Laboy may furnish work for an Officer of the Standing of the Assistant Commissioner, but Extended jurisdiction over one-third of it is not likely to provide sufficient Supervisory or other work for the Superfluous Covenanted Officer on the Hills. We cannot of course judge for the future; but I see no strong grounds at present to justify a prospect of adequate Employment from the limited amalgamation. I would not therefore continue, under existing financial difficulties, the large Expense. Further, Malayalim Office Establishments in Connection with the Revenue Courts will have to be provided; for the Land Courts of Wynaad will require Malayalim Translators and Attendants, Malayalim Registrars & Ameen

when the jurisdiction is extended over that nationality.'

16. I need scarcely add that it is my opinion that if the special jurisdiction of an European Covenanted Officer be required and is to be maintained in the main for the limited district proposed to be assigned on Wynaad generally, his presence as a resident among at the native and European population and their institutions and requirements will prove more convenient & beneficial in every respect, than a share of the time and attention of the Magistrate of the district of the Neilgherries & of the Commissioner and Civil Courts in Malabar (even although this share may be considerable) at Calicut. I may here advert to the opinion of the late Commissioner quoted in para 5 of this minute, and I have no doubt that the opinion of all experienced local Officers & residents is in the same direction.

17. I venture also, with much deference, to think that from a financial point of view, this Government

is hardly in a position at this moment to entertain proposals to the Government of India and Secretary of State for assuming the Government & administration of the limited portion of the Talug of Wynaad, until its administration as a whole has been considered. I venture of course to assume that the assumption of the whole Taluq would scarcely now be advocated in the face of the strongly pronounced aversion of the native proprietary and inhabitants, the divided - vide letter dated 10 August 1876 - opinion of resident Europeans, the view of such Capitalists as Mr. Cole of Calicut and the judgment of local Officers of Malabar. But this Government has before them at this moment - in reply to the earnest call which has been cordially entertained by Government for some time, for better administration of the entire Taluq of Wynaad (now largely occupied by European planters) - well considered proposals dated 24 November 1875 for reorganization of its Service throughout

throughout. The Collector-Wiles proposing a modified arrangement at an increased cost of upwards of Rs. 5000 a year in deference to the suggestion made by Lord Hobart's Government in January 1875 recommended the employment of a Covenanted Officer in the position of Head Assistant to the Collector of Malabar as the most suitable administrative disposition for the whole Taluq. The State of Wynad allowed the Services of a Competent Officer, and of that Officer is relieved from Civil judicial work, shall feel perfectly competent to administer the whole of Wynad." (Note dated 29th May 1876) And there is no doubt that the majority of the Planters of Wynad besides S.E. Wynad, who seek amalgamation to the Cinchona and Eucalyptus of Outacamund will be found to hold the same view. The suggestion was not unfavourably received by the Members of Government, who discussed it in November 1875 and it appeared seemed probable. I am personally strongly in favor of this arrangement and think that it will meet every requirement in the best manner feasible if the Government of India and the Secretary of State will deem it in the interest of the whole District. I must therefore confess that I view with great regret the proposal to dispose of the matter of S.E. Wynad at the cost of retaining the Assistant Commissionership of the Hills before the question of the administration of Wynad as a whole is finally discussed and a resolution come to by this Government preparatory to its submission also to the Government of India. Better administration is urgently and equally required in what will remain of Wynad — by far the larger and more populous division — to Malabar. Increased expense will I think be expedient and I fear that we may be incurring needless outlay in maintaining a costly Cinchona

Population
North Wynad — 41,984
South Wynad — 47,015
88,999
S.E. Wynad — 37,347.

This includes the Ouchterlony valley where immigrant labor for 4000 acres of plantation is present

Establishment

establishment with inadequate employment on the Hills, to the detriment of the reasonable claims of the Wynaad District as a whole; and have to face financial difficulty in the way of needful improvement in the general administration of Wynaad. I have ventured therefore to hold that the two subjects had better be disposed of together, if the administration of any part of Wynaad is to affect the question of Commanted Establishments on the Neilgherry District. If kept separate, the solution is easy and the retrenchment of the superfluous Assistant Commissionership in the Hills will at once nearly provide — leaving the Malabar Special Assistantship out of consideration for the moment — all that need be solicited for the Whole District of Wynaad. Anticipate financial complications from fragmentary disposal of this matter, while I see no sufficient work for a Commanted Officer in S. E. Wynaad, or in connection with it.

10. I am constrained to record that I see serious objection to extend the operation of Act I of 1868 (Madras) to any part of Malabar, where the union of the Magistracy with the functions of the Collector have existed from 1816 and is especially needed; while social conditions of its people, the state of its landed property, its tenures and the relations of those connected with it, as well as the peculiarity of the local common law and social usages, which force on these, render the union of the functions of the Collector and Civil Judge and of Judicial Revenue functions therewith, at all grades of the service highly inexpedient and more or less unworkable. It is not necessary here to enlarge on the principles which make the existing legal conditions of this Presidency in this respect, the most advisable and intelligible to the people under any circumstances, and their maintenance, where possible, expedient; their utility has been actually tested in both districts under consideration — entirely on the Hills, and partially in Wynaad, where certain civil

Civil jurisdiction has been conferred on the Collector & Magistrates' local subordinates for some years past. The result is not I venture to think favourable.

19. The views of the late Commissioners of the Neilgherry District are quoted in Para 5 of this minute and are clearly not favourable. Even on the Hills he considered that the provisions of Act I of 1868 are less suited to existing conditions than is desirable and held that if his jurisdiction were extended to S. E. Wynaad the separation of Revenue and judicial functions & establishments would greatly add to the efficiency of the administration. I think that the justice of this view is increasingly confirmed by experience. Even within the small jurisdiction of the Commissioner. The suits which have arisen since the annexation of the Malabar portion of the Plateau to the Ootacamund Civil Court in 1858 & 1868 in which the Government has been Defendant, could not be tried before their Executive representative on the Hills in 1868 to 1870. The protracted

litigation

litigation which has in prosecution in regard to the proprietorship of the Orchiterlanga Valley brought from Malabar to the Commissioner's Court in 1872 and the rights and allegiance of the European tenants holding directly or indirectly under the native zamindars of Malabar, who do in possession, clearly cannot be taken judicial cognizance of by a Collector-Commissioner who has the decision of Government on the whole matter at hand — that Government is the proprietor of the Soil — to guide him. And we have at this moment before us the incongruous condition of the Commissioner's special as above stated in his Revenue capacity — trying a suit filed by the hitherto unknown zamindars of the Orchiterlanga Valley at the instance probably of one of his European tenants — to oust another European occupant who claims to be another alleged proprietor, while neither the contending proprietors nor the European tenants recognize the decision of Government which the Civil Judge as Collector is required to

to confusion. Other alterations of the
nature mentioned are likely to be growing
into notice by the Late Commissioners,
& respects even his Still jurisdiction,
may, I believe, be drawn from the
files of the Courts but these Officers
do show that further extension into
Malabar of the provisions of Act I
of 1868 is neither advisable, nor likely
to promote Local Working & harmony,
or to gratify confidence among the
Malayalam inhabitants. The moment
Malabar conditions are touched
Confusion ensues.

20. The views of the experienced Officers
of Malabar also, as to the inadmissibleness
and inconvenience of the legal distri-
bution of functions intended in Act I
of 1868 (Madras) are well pronounced.
An writing in 1872 of the periodical visits
of the Small Cause Court of Tellicherry
to Wynaad, Mr. MacGregor observes:-
"The Government have already had
before them the unsatisfactory
results of such a temporary setting
for summary suits by an Officer without
local knowledge, and if I may be
allowed

allowed to express an opinion, I shall
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 Malay 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
qualifications. * * * It would seem
advisable that, for the decision of land
suits for sums exceeding those cognizable
by Small Cause Courts, the nearest Munsif's
Court should be resorted to."

21. Mr. Logan the present Collector
of Malabar when noticing the
reorganization scheme for Wynaad (Nov. 1875)
the existence of complaints in respect to
delays in the transaction of business
in Wynaad writes:- I am not at all
sure that the delays are not mainly
attributable to the fact that the
present District Munsif is also to
perform Revenue and important Magisterial
duties, to the performance of which
Everything

"Everything Else must give place" Again
It is a retrograde step not to separate
the Civil Judicial Department from the
Criminal Judicial Department when the
step is feasible, as it is I maintain, in the
present instance" and with reference
to the increasing number of Regular Civil
Suits on the files of the Revenue & Magistrate's
Office he observes:- In the latter (1872) of the
two years the effect of the enhancement
of value of District Munsif Court Suits
was fully felt, as will be observed on
reference to the increase in the number
of Regular Suits on the files. This enhancement
of the value of suits might to have taken
place contemporaneously with the increased
efficiency of the Civil Judicial Staff, whereas
I am on the other hand fully convinced
that neither the present organization nor
that proposed (it had been suggested
by Government to appoint an additional
Deputy Collector & Magistrate with Civil
jurisdiction) can ever be sufficient to work
smoothly. Civil Cases require for their proper
disposal a large amount of calm, careful
and painstaking attention and it is quite
out of the question to expect officers who
are liable to be called off at a moment's
notice to investigate a murder or an
incendiary

"incendiary to be able to afford the necessary
time for Civil work." And he suggests the
establishment of a Central Munsif Court
for the exclusive disposal of Civil business
adding "I am of opinion, after careful
consideration and after consultation
with the Judges of both the Sadr & Malabar
that the increased efficiency of the Court
would do more than counterbalance
the above disadvantage (somewhat
increased distance for suitors to travel
to Court) and it must be carefully
borne in mind in coming to a conclusion
on this point that the Wynaad of today
is a very different country to the Wynaad
of the time when the Magistrates were
invested with Civil jurisdiction (some
years before). The conclusion he arrives
at is: "That the Judicial Civil and
Judicial Criminal Departments should
be separated, and a District Munsif
having newly appointed for the whole Zilla
and posted at Vythiri." In discussing
the amendment now under consideration
in his Note dated 29 June 1876, Mr. Logan
writes:- "If I am allowed the services
of a competent officer, and if that officer
is released from Civil Judicial work
I shall feel perfectly competent to
administer

administer the whole of Wynaad. If
on the other hand Wynaad is annexed
to the Malabar district, the Civil Jurisdiction
of the Valley should be made over to an
Officer of the standing of a Sub-Judge,
and appeals from his decisions which
would not in the ordinary course lie
direct to the High Court should be referred
by the High Court to the District Courts of
North & South Malabar or to the Commissioner
at Ootacamund, according to the parties
might wish. The Sub Judge would deserve
be more highly paid than a District Judge
to whom if Wynaad remains in Malabar,
I have proposed to transfer over all Civil
Judicial work within his jurisdiction.
I may here observe that this unclassic
and curious expedient itself an
argument against needless, more costly
and unexamplable change - would not
work in Malabar. Hundreds Malayalam
parties would almost invariably seek
transfer to Competent & Experienced
Courts out of Ootacamund & leave
no work there. He then continues:-
If Wynaad remains in Malabar I
cannot too strongly press on the view

of

of Government the perfect & unanimous
and curious & enough the independent
formed opinions of the three Collectors
(myself included) who have had
charge of the district since 1862. We
have all brought prominently to notice
the incongruity of a Revenue & Magisterial
Officer performing also Civil Judicial
work. That system acts well enough
when there are no laws as when a Country
is first subjugated, but all the ordinary
Acts & Regulations apply to Wynaad,
which for 70 years has been a settled
Country. The organization of Wynaad
hitherto has therefore been imperfect
and I feel confident that if administrative
Officers are relieved of their
Civil Judicial functions and their
Headquarters properly selected, the
ryots will have no cause to
complain. In the discussion of
Mr Logan's Reorganization Scheme
(November 1875) the Members of Government
who took part, recognized
the force of the reasons adduced for
the separation of Civil Judicial work
and Magisterial & Revenue work
in Wynaad and the separation is

under

under contemplation. And I am constrained to add — as the result of long personal experience and acquaintance with the conditions and laws of the country — that inference and the practical results of the trial already made, could not possibly lead the local judges or experienced Revenue Officers to any other conclusion than that the union of functions which the extension of the legal conditions of Act I of 1868 (Madras) will make law in a Malayalam district, is unadvisable and must lead to increasing confusion wherever complicated Malabar relations exist & increasing co-

22. Then as to minor details of administration within the new amalgamation: — The Hill District fails most seriously to meet from local resources the expense of Roads, Education, Sanitation &c &c. and constitutes a very heavy charge on the Provincial funds to contributed from the resources of the State. Wynad generally — S. E. Wynad takes its full share — is in a similar predicament, and mainly depends in the same

respects

respects on the richer local resources of Malabar. Wynad itself an undue burden on Provincial resources, I can therefore anticipate nothing but great confusion & deterioration in respect of local services from combining two bankrupt districts, of a specially costly character, under the Commissioner of the Nilgiri Hills. Then as to administrative establishments, I confess that I anticipate any great difficulty on the part of the Commissioner in maintaining suitable officers for the administration of Justice & within the amalgamated district, well knowing as I do from experience the great difficulty that even local heads of departments in Malabar — with the whole Malayalam service to choose from — have in maintaining the Public Service in Wynad and especially in S. E. Wynad; he will be forced to European it to an objectionable and unacceptable extent: The Engineer on the Hills & his office have now more to do than they can overtake, and the addition will prove inconvenient & costly. The Police a

very

very moderate establishment suited to the easy requirements of the range of the Hills, are under the superintendence of the Officer attached to the Tamil District of Coimbatore. Now he is to organize a Malayalum force, and superintend it in S. Eldyrand, where the Police force even now can only be kept up by pretended drafts from the low country of Malabar. I do not see Malayalum Registration must be organized on the Hills; Malayalum interpreters & Enterpreters & so on. In fact I anticipate both serious difficulty and increased Costs from the change which will not be recompensed by any advantage derived from it; and these points remain undisposed of in any Proceedings of Government that have come under my notice in the documents their disposal should precede the recommendation to the Government of India.

23. It will therefore from a financial as from an administrative point of view I am constrained to dissent from the arrangements of S. E. Wynaad to the Neilgherry District in

in the expectation that the measure will provide a sufficient or suitable addition to the occupation of the Commanded Establishment proposed to be continued at the Hills or prove convenient in any respect.

24. But there are other features which merit and have hitherto had the consideration of Government in this matter. We cannot hope that the confidence of those deeply interested as are the proprietors by ancient and implied or significant tenancy of this district in the administration of Malayalum Common Law — so peculiar, local and tribal in its character & yet so dear to the people & national usages — will follow the transfer of the jurisdiction from a — Native & strange and foreign — Tamil Court presided over by a Collector-judge under circumstances which seriously enhance the initial disadvantage (attending the most thoughtful) for every Officer of Experience who has discovered the matter through a considerable range of years has concurred in this view of the inexpediency of change and Successive Governments have recognized it and I confess that I most cordially share the most recently penned views of

of such experienced judges as the present Collector of Malabar and the Hon'ble W. Huddleston. The former writes:- "The manners, customs and landed tenures in Wynad are similar in all respects to those of the low country of Malabar & my strong point is that those manners, customs, & tenures could not be properly interpreted in Courts of which the official language is Canarese or Tamil. It is difficult to find an exact parallel, but if one could imagine an Englishman (knowing nothing of the country) endeavouring to establish some intricate point of English landed tenure before a German Court of Justice, one would not be drawing a far-fetched parallel. There are hundreds of Malayalim words which, so far as I am aware, have no equivalent at all in either of the other two languages. These words express in fine shades of meaning (either of local or public relations) which it requires a Malayali or one who has had years of experience in the country thoroughly to understand. The customs, manners and landed tenures of the Malayalim speaking people must be interpreted in Malayalim Courts of Civil jurisdiction and I consider I should be failing in my duty to the native

native population if I failed to express a strong opinion that the administration of any portion of Wynad to the Nilgiris without adequate provision having been made to this end would be doing a great injustice to the people." (Note dated 29 June 1876). Mr. Huddleston - an experienced judge of West Coast conditions - notes:- "I think it right to confess myself that I am very doubtful of the intricacies & niceties of Malabar questions being adequately appreciated out of Malabar or at least by officers who have not had practical experience in Malabar itself which they can bring to bear in their considerations elsewhere. I should as soon expect a French Court to decide satisfactorily a question of Jewel kind from Kent as in Malabar among Malayalees, the whole atmosphere and surroundings are favorable to right appreciation or at least to the correction of wrong appreciations. Away from such surroundings or in the absence of required local experience I doubt if such right appreciation be possible." (Note dated 29 June 1876). "Throughout my long official life I have never met a person of experience European

– European or Native – I should not cordially endorse these forcible expressions.

25. Now there is not a respectable – probably learned one of any kind – Malayalum resident on the Hills, nor a Cartaman's house or temple, to which the peculiarly caste-trammelled races of Malabar can resort within 2 or 3 days journey of Ootacamund. There is not about the Courts – possibly not on the Hills – a person who can read, write or speak Malayalum & knows Malabar Law ~~and~~ or social Customs. There is not a Malayalum Vakeel from whom advice can be sought – and it may be safely predicated that none will be tempted by a small casual practice to settle in this strange & uncongenial land, shutter from the Moplah Coast resorts with great reluctance. There is no native bar of any kind or language at Ootacamund – and the few Europeans who practise – from want of success in Madras or other causes – on the Hills, are in more instances than one connected with the bar in question as reluctant

none will ever settle

tenantry of native proprietors. I confess that with such surroundings, I should feel difficulties in administering Malabar Law at Ootacamund – my long familiarity with it notwithstanding. It is obvious too that the transfer must entail largely increased expense & inconvenience to the Natives of a poor part of the Country, who may have to attend at the Headquarters of their District in connection with any official business. To my mind the conditions we present for the sake of plausibility are not fair to them and cannot be made so.

26. Malabar is a Proprietary or Zamindari District by immemorial inheritance (Jenmom) and the Common Law of Landlord and Tenant (Jenmom-Kanom-Marjadi) is intricate and peculiar, and affects all grades of its rural Society in varied ways. It is strict and no doubt irksome in some respects – more especially to European tenantry – but it is jealously conserved and its administration watched with great anxiety. It is not I believe reasonable to expect that a Malayalum people can accept without fears the transfer of jurisdiction over such matters to

to Courts which to them are strange and
inscrutable at the collectation of
their foreign tenants - agreedly alone
and antagonistic in their relation. They anticipate
and confess that I and others of
experience sympathise with them -
possible prospective pretensions
and contentions which unchanged
conditions will repress in the bud.
I hold earnestly that these things
should be left to local courts under
the supervision and control of the
superior Civil judges on the Coast
and to a Malayalum bar & public
opinion. This property - and possibly
race - contentions should rest where
it is, for changes may prove hazardous
and regrettful and is deprecated by a
deeply interested party to its possible consequences.

27. There is something too - viewed
from a Malayalum standpoint - in
what has followed & perhaps in part
promoted the successive disintermembrements
of this proprietary Talug of Wynad
which have already taken place in
1858 & 1863 (the Sile portion of the Nambalende
Cutchom) & 1872 (the Ouchterlony Valley)

which

which naturally stimulates apprehension
and in its degree accounts for strong
native aversion to further changes
in this direction. Malabar is and
has been recognized as an ancient
hereditary (Jenmum) Zamindari
District within whose ancient land-
marks the State has asserted no
ownership of land save under title
of escheat or other direct recognized
title paramount. In the case of
the first annexation, the Malabar
claimant Zamindar of the Nambalende
Cutchom, or District, as it had
been recognized for more than half
a century by our Government, has
unsuccessfully contested the
resumption of land on the plateau
for Cinchona plantations and
sale to European applicants for
plantation purposes; and as a
sequel of that protracted and
costly contention Government have
determined to contest the rights
of the Zamindar in possession & others
under whom the European tenantry
of the Ouchterlony Valley, annexed
in 1872, now hold. The contention is

So far cost has gone (1866 to 1870) has been adjudicated in the Civil Court of Malabar, and the protracted litigation which is apparent gives prospects with claimant proprietors and their European tenantry in the Onchterlony Valley Cinchona, will have to be transferred thither also, for the Collector-Commissioner of Obtacamund with the Intra-judicial decision of Government to guide him in this matter, cannot perform the part of Civil Judge under such circumstances. But it is impossible to hide from ourselves that, with these things before them there exists some real cause for the popular anxiety about, and aversion to, further dismemberments and transfers on the part of our native landed proprietary & inhabitants of the Country; who in the meantime see Forest, Mining, Plantation & other State & European questions arising — in varied forms around them, and anticipate right or wrong, having to appeal to a Land, and inexperienced Court on the Hills under greatly obvious disadvantages. I am quite satisfied that it is better not to interrupt immemorial and I may almost say natural — foreign Malabar is a distinct, strong, & worthy nationality — Conditions under which our native subjects are contented and trustful. And I do so with confident assurance that State rights — which under the circumstances cannot be decided on at Obtacamund — are safe in the hands of local judicatories in Malabar.

28. If relief be required in the Hills to enable its sole Collector & Magistrate — as I would wish the Commissioner to become — to undertake the work which the retrenchment lately promised by Lord Hobart's Government, will leave him; it might with advantage be sought in a retransferring the avowedly tentative annexation of the Onchterlony Valley in 1872 — with its new anxious prospects and legal

Confusion

confounded to an unprincipled administration
- perhaps the worst - of the undisciplined
Policy to which it has probably been
(with that Malabar Still raised to slipping
belonged for ages before) for three-quarters
of a century of British rule.

29. Holding convictions - the result
of nearly a life-time's familiarity and
sympathy with the things which I am
discussing - such as I have endeavoured
to explain & confess that I revive with
intrinsic reluctance the agitation
- with its intensified race-contention -
of the annexation of S. E. Wynaad to
the Commissionership of the Nilgiris, during
the time I presided over the Government
of this Presidency in 1875. The matter
had practically been most carefully
canvassed through quarters of a Century
and repeated by successive
Governments - by Lord Harris
(so far as the principle is concerned)
in 1858; by Lord Napier in 1872, and
by Lord Hobart in 1874 - for reasons
which I have endeavoured to
recall. Only a few months before,

Lord

Lord Hobart had affirmed the
unanimous advice of his Council, in the
emphatic words - the reasons as explained
by Mr. Robinson are conclusive against
the proposal" (to annex S. E. Wynaad to the
Nilgiry Commissionership) "which indeed
seems preposterous on the face of it"
and his Honble Colleague Mr. Simson
added "even if there were room for a
doubt such a measure could not be
introduced without ascertaining the
wishes of the native proprietary and
population, and the result can be
easily divined". The matter, it was
then hoped, was definitively set at
rest by G.O. 28 December
1874 No 2357: I therefore
deprecated earnestly
and still very deeply
regret that occasion
was however again taken by the
Planters of S. E. Wynaad to evoke
antagonism of supposed interests
and opinion & incidentally of class
amongst Europeans & Natives alike
in Wynaad generally, and hostile
sympathy in Wynaad and throughout
Malabar and in its degree everywhere
else, for I regret to find myself
constrained

* Memorialists will be informed
"that His Excellency in Council has
"fully considered their proposal
"for the annexation of S. E. Wynaad
"to the Nilgiri District & must
"decline to accede to it"

Constrained to record that to this matter has by the action of our Countrymen, sympathizing Europeans, by, become in its degree a class question. It is an European Society, in respect to which it is not even avowed that any Native, in or out of Malabar is otherwise than strongly and anxiously jealous.

30. Its revival is, as it appears to me, a consequence of a local agitation amongst the residents, dealers and subordinates of the Commission (the late Mr. McLeod was the spokesman of the deputation which waited on me with their Petition) on the Hills in June & July 1875 which was directed against the resolution of the Government of India to reduce, in accordance with the second and modified proposal of Lord Hobart's Government dated 25th September 1874 the salary of the Commissioner to Rs. 1200 a month; and the extension of jurisdiction readily re-suggested itself — indeed it was mentioned by the

the Deputation that waited on me on the 21st July 1875 — as likely to provide a definite employment for the entire commanded establishment of Ootacamund on its existing footing. The agitation now extended to S. Kanara — where influential residents in Ootacamund have plantation — and beyond it; and at length involved apparently the whole European residents of the Wynaad Taluq. Meetings of Planters' associations have been held in various parts, Petitions and Counter-petitions in respect to the amputation of the whole Taluq to Ootacamund have been received, and the Europeans interested in S. Kanara have probably unanimously again pressed their repeated suit on Government by Petition and Deputation. In the meantime the wishes of the native proprietary & population of the wide locality proposed to be transferred, have been ascertained through the Collector of Malabar and submitted by Petitions and Deputation — the Tirumalpad of Nellambur in Malabar, one of the largest

largest proprietors both above and below the Ghauts in the Country, accompanied it — for the Consideration of Government

31. The Petition of the S.E. Wynaad Planters is not by me whole-souled, but its spirit is probably not inappropriately embodied in the following 2 Resolutions of the small (2 or 3) sympathizing Majority — the minority deny that there was a Majority — of the Planters association of Wynaad; the result of a meeting held at Mannantoddy on the 7 July 1876 and embodied the objects desired by annexation of Wynaad to the Ootacamund jurisdiction:—

(1) "The establishment of a Planting District in which there would be no strong conflicting interests; at any rate no Native one."

(2) "The increased attention which would be given to all planting interests by Government, when properly represented by a Commissioner in whose District these interests were so important as to overshadow all others."

The Covering Petition to Government perhaps puts matters in a still stronger light. The minority including some very old

old and influential names in Wynaad deprecate strongly annexation to Ootacamund as adverse to their interests and likely to cause neglect of Plantations under European management by absence at Ootacamund; they urge improved local administration while both Majority & Minority concur in their desire to have a local Commissioner stationed permanently amongst them in Wynaad.

As regards the Somerset Grievances as they seem to me, claim put forward in these European Petitions for European interests with depreciation of those of the Native population of the District as respects Plantation & other industry in Wynaad generally and especially in S.E. Wynaad. I may observe that the Planters of S.E. Wynaad — the annexation or administration of the whole Taluq is not the question — are probably almost without exception Tenants, under leases of one kind or another, of Native Proprietors who have liberally ceded to them land for plantation purposes, and generally on much more favourable terms than Native landowners contemplate

contemplate or they allow to native competitors for occupation. No instance is stated or even suggested of hard dealing or obstruction on the part of any native proprietor by their European tenantry. The complaints of European Planters in Wynaad seem chiefly directed against the auction system or other obstructions they meet with when they seek land — the property of Government — for their enterprise and I confess that I am unwilling to prefer the wishes of immigrant tenants of any nationality to the decided feeling and interests of the ancient and responsible proprietary of the country who earnestly oppose disconnection with their old national tero and district.

Then as to relative occupation of land — admitting the enterprise and industry of our countrymen — the area occupied by the European & East Indian Planters of S. E. Wynaad together, forms but a fractional part of the property owned by some 30 great native proprietors (Brunico) over perhaps 250 to 350 sq. miles (including Government Escheats &c). Nor is the area of occupation or the agricultural industry of the native owner-farmers — the Deputy Collector estimates them over 100 in the tract under consideration — and tenants of larger proprietary by any means inconsiderable and they are rapidly extending. There are some 1,300 native occupants of land in the tract, and they have 4,320 acres of assessed land under cultivation, which does not include the area of those inferior crops which constitute no unimportant constituent of the food of the people. They raise the food grain of the population, while native plantation (Coffee) industry is rapidly extending throughout Wynaad — and particularly in the fertile District of S. E. Wynaad — and bids fair to emulate European enterprise hereafter. Under these circumstances I confess that I see reason to doubt whether from an administrative stand point, European & East Indian tenant interest in the District in question, suffers so obviously or so largely the native proprietary and indigenous agricultural interests as is represented; or that the small culture of the numerous inhabitants and Coffee planters, employs acre for acre so much less labor (chiefly that of the population) and is so far less productive or represents

Coffee & other assessed dry crops:— acres
Cultivation — 1683
Fallow land — 2637
4,320
Revenue — 6,653

* 59 Estates (registered in the names of 27 persons) comprising — 47 sq. miles (Revenue paid) — 6,051 Rs.

represents so far less capital
- less waste no doubt - that it may
be left out of consideration in this
Contention. No Equitable ground
therefore for change - offensive to
indigenous feeling and interests -
is, I think, established by the facts
as they present themselves from this
point of view. The interests of a numerous
& intelligent indigenous proprietary
& population advance pari passu
with those of immigrant settlers; and
I think that Government should avoid
avoid all appearance of preference.

Then as regards other alleged
European Plantation interests in
S.E. Wynaad I venture to question
whether any real advantage can accrue
from connection with Ootacamund
as already noticed the Land on
which the industry is pursued has
to be obtained from Malabar proprietors
- many of whom reside in the low country -
with whom all subsequent matters
relating thereto have likewise to be
transacted from year to year. The
change must offend and discourage
these and may qualify their readiness
to

to receive European tenants. If the
good office of Government Officials
between them be required, the Collector
of Malabar who knows and lives
amongst them is the person to mediate,
as he now does, and not the Commissioner
of Ootacamund, whom their Malayalim
proprietary cannot even reach on
these distant Hills. As Capital
employed in the Wynaad industry
comes from Ootacamund. It comes
from England, Calicut and Madras
financial transactions - except in
so far as residents in Ootacamund
may have personal accounts with the
Branch Bank here instead of (as
more probably) in communication with
the Bank of Calicut, where the finances
of Wynaad is mainly conducted - are
therefore with the Coast and Madras
and not with Ootacamund. The
President of the Chamber of Commerce
of Madras has informed that
the proposed change is not favored
by the Capitalists in Madras, and
I believe that had the body he
represents been consulted about
this measure, their advice would be
adverse to the change. The head of
the

the Firm in Madras who are I believe the largest Mortgagees of Estates — amongst others of all Kt Munchins, the foremost promoter of this movement in the District of S. E. Wynaad and advances on Crop, deprecates the change and informed me that his wish would be that his Mortgagees and Managers had not now a plausible reason for absenting themselves from their charges while visiting Ootacamund for various objects. Messrs Arnide & Co of Calicut who are the most largely interested Capitalists on the Coast, as Mortgagees & Managers of Estates in Wynaad and Other Lands, have publicly protested against this movement on the part of resident owners and managers in Wynaad for amalgamation to Ootacamund; and we have official notice before us of strong diversity of opinion amongst planters and managers in other parts of Wynaad on the subject of amalgamation to Ootacamund. The real interests of Capital and Management are I believe, adverse to the transfer in question.

Crop Transactions of S. E. Wynaad are almost confined with the Coast. Neither the roads constructed at Government expense and water carriage behind, and the Crops are sold, or prepared, packed and shipped for Export, in Malabar. Estate business is therefore direct with the Coast and not with Ootacamund. Estate Supplies of every kind are naturally landed on the Coast and carried thence inward to S. E. Wynaad and Elsewhere; their alleged convyance to any material extent to the top of these Hills and thence down to Wynaad seems questionable. Not a Coolly comes from Ootacamund or the Hills, or will visit them willingly, and the expense of prosecuting defaulters at Ootacamund will be heavy. The labor question will therefore not benefit by the change. In short I doubt whether any real Plantation interests will be subserved by the amalgamation and I am formally convinced that many of the more important of them must be rudely traversed by transfer of jurisdiction over

the

the tract in accordance with the wishes of a few resident Planters at Ootacamund and in direct hostility to the interests and wishes of numerous Native populations amongst whom they have settled.

I need scarcely observe that every Native interest and desire is the other way; and that these numerous interested ones cannot even combine recreation & pleasure with a visit to their future Headquarters of this Strange District. The only effective European interests which I think are likely to benefit by the change are those of the few European legal practitioners resident in Ootacamund whose practice amongst the Hill tribes is but limited and who are doubtless anxious to extend their sphere of labor.

On the other hand the Native proprietory and principal inhabitants of the District (3 Amshams containing some 30,000 inhabitants) to be annexed to the Hills from Wynaad have very earnestly signified by numerously-signed Petitions and Deputations their unanimous dissent from the action taken by the European and East Indian Servants of S. E. Wynaad and the transfer of their Malayalim Country to the Nilgiri District — in the sense of strange country and foreign tongue, of their peculiar Common Law, distinctive usages & social conditions, of their Religion & Caste, of health & public convenience, &c. &c.

After what I have already recorded I need scarcely confess that I believe their unanimous objections to the transfer are unanswerable. The soundness of their principal objections as they appear to me, and other impartial persons, may be gathered from what I have ventured to record in this minute of dissent passim. As respects Religion and Caste — we are dealing with a deeply and peculiarly bigoted and fanatical Hindoo and other population, in this as in other parts of Malabar, very sensitive and easily wounded in these respects. Malayalim Pariahs have not a temple within 30 or 40 miles of Ootacamund and probably, under their peculiar and National notions about the

the lands on which their temples should stand, none will ever be built in this strange country. The Rajah's Malayalim observances of Caste are as strictly possible to them in this cold & strange land where no respectable fellow-countryman resides within two long days' journey of Parambil. As respects health the Hills are obviously & notoriously shunned by all Malayalim castes (even by labourers), and long observation satisfies me that their fear is that which experience teaches. Utter incorrigibleness is the inevitable lot of any native of Wynad who must visit Parambil on public business.

I deeply grieve to find myself dissenting with my Honble. Colleagues in this matter but I am wholly unable to take part in a measure which conscientiously believe will transverse every native feeling and interest in the country which is the subject of it, and excite an adverse sympathy throughout Malabar if not more widely. While I confess that I fail to see any real

planting

planting interest which will be injured by refusing to dissever a strong local and constitutional tie which have subsisted from time immemorial in accordance with the determinations more than once acted on by successive Governments.

I will close my dissent by endeavouring to sketch the action of successive Governments in respect to these emigrations from Wynad and elsewhere to the neighbouring jurisdiction. It is unnecessary here to trace the conditions of the ancient Malayalim principality of Wynad at the cession of 1799. Suffice it to say that the following passage of the instructions of the Honble. Court of Directors in 1804 in respect to the then proposed permanent settlement of Malabar with the native hereditary proprietary (Jenmis) that "great care was to be observed lest you should interfere with rights which have hitherto been considered inviolable, or disturb those ancient boundaries or landmarks which time have determined

the

the Extent of private property, and by which the proprietors of land have been governed from time immemorial. The District of Malabar included the Rambalcode Amshom of Wynad with the Malayalum tribes that range the slopes of the Hills, together with the tract on the Hills Plateau known as the Reddiwattam Road. The inclusion of the latter portion in Malabar was long and vigorously assailed, some quarter of a century later, by the Collector of Coimbatore, to whose District the rest of the Plateau, was attached; but successive Governments maintained the boundary of Malabar for more than half a century intact in respect to Civil and other administration.

In 1854 Mr James Ouchterlony, who had in the meantime become Coffee planter and the tenant of the large tract in the Rambalcode Amshom known as the Ouchterlony Valley under a Malabar Proprietor — was appointed Principal Sudr Amin of Ootacamund, in succession of the District Munsif. He was naturally

naturally confounded with a view to justify the maintenance of such a Court at Ootacamund and a proposal emanated from the Judge of Coimbatore, his immediate superior, to annex to his jurisdiction the entire Rambalcode Amshom (including the Reddiwattam Road of the Plateau) of Malabar, together with the Southern slopes of the Hills and a certain tract of low country of the Coimbatore side. The Government were told that the European settlers, if they were few in number, and Mr Ouchterlony was the principal one, were unanimous in their desire to come under the jurisdiction of the new Court. An Extract of my report to the Collector of the District of Malabar on the proposed annexation of the Rambalcode Amshom of Wynad is appended for facility of reference. The Sadr Court refused to support a proposal to give the Principal Sudr Amin jurisdiction over the tract which comprised his own Plantation properties, and Lord Harris's Government decided against

against the proposals in respect to the entire Rambaleorde District in the following terms:- "the objections are that, by including to the west of the slopes of the Hills - the Government would render subject to the jurisdiction of a Tamil Court, in a Country where their laws, language and peculiar customs are entirely unknown, many hundreds of the people of Malabar, to whom the journey to Ootacamund would of itself, from the difference of climate in the tract to be traversed, prove a very serious hardship, and injury. This relevant to the discussion to advert to the anxiety also evinced by Lord Harris's Government to avail possible inconvenience to, and ascertain the wishes of, the Tamil inhabitants of the proposed annexation on the Coimbatore side:- Since it would apparently lie, they observed, a hardship to oblige the people of the plains to attend a Court on the summit of the Hills whenever they had judicial business."

The Neddivattam Nad of the Rambaleorde District of Malabar however was not peopled by Malayalam Races but sparsely inhabited by Hill tribes beyond the proximity of the Court would prove convenient if required, and it did not probably include the Principal Sudr Amin's Estates; the jurisdiction of the Civil Court was therefore extended by Lord Harris's Government to the limits of the Hill Plateau in 1858. In 1863 this tract was further transferred to the Collectorate of Coimbatore in the main to remove it from the influence of Malabar Common Law & to foreclose if possible the claims of the Malabar Zamindars of the Rambaleorde District in the interest of the Cinchona Plantations opened thereon by Government and proposed sales of land for plantations within it. This last transaction led to protracted & costly (on both sides) litigation, which was closed in 1870, when the Zamindar failed to establish his right to the tract on the Hill Plateau against the recent occupation by Government.

In 1869 a large majority of the Planters in S.E. Wynaad forwarded a Petition through the Commissioner of

of the Hills requesting a transfer of that part of Wynaad to the Hill Commissionership as our Natural Headquarters" & the late Mr Brooks submitted it with certain administrative recommendations. The Government observed "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". This proposal were negatived by the Government who did not however go at present into formal for any objection to the transfer of a portion of that part of Wynaad to the Neilgherry Commissionership. They cannot however entertain the suggestions made by the Commissioner in reference to this Petition. + + + On the other hand, the Government have no doubt that the inclusion of the whole of S.E. Wynaad within the limits of the Commissionership would entail absences of longer duration on the part of the Commissioner from his Headquarters than would be compatible with the

functional

"functional 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 S.E. Wynaad there are numerous native proprietors some of whom have an interest in land held by European Planters, while others hold and occupy lands themselves, to all of whom a resort to the Courts at Ootacamund would be very inconvenient. This inconvenience was forcibly pointed out by Mr Robinson when acting as Collector of Malabar in a letter which he wrote on the subject in February 1857, with reference to a proposal for including the whole or greater part of what is now called S.E. Wynaad in the jurisdiction of the Subordinate Court then existing at Ootacamund. If therefore any part of Wynaad is to be included in the Commissionership, arrangements must be made for the Commissioner and his Assistant holding Court periodically at Goodalore, and in order that this may not constitute too great a

"action 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 Railway Commissioner's Division. 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 Carkoor Pass, including some of the Estates at Goodalooor and the whole of what is called the Ouchterlony Valley". And a joint report was called for from the Collector of Malabar and Commissioner of the Nilgiris on the proposed line.

In their joint reply these Officers repeat their Commission:- "Government, after discussing the proposal made for including within the Railway Service an extensive tract of Wynaad, propose, as an experimental measure to extend the limits of the Commissionership to the road which runs from Tippoocandoo to the top of the Carcoor Pass, including some Estates at Goodalooor and the whole of what is called the Ouchterlony Valley". In referring the question for report, however, it is left open to us to suggest another bounding line. 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 & 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. In regard to the town of Goodalooor 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."

Re

On the whole we are of opinion that the line should be drawn so as to leave Goodalooor in Malabar & 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. It was maintained by Government in the late list as the extreme Southern limit, north of which were contained all the various parcels of land, the Estate of the late Nambalcode Varuaner, which were sold by a Decree to the Nallamboor Rajah, and the purchase of which formed the main title on which the Rajah of Nallamboor claimed the Pykara and Reddiyattam Cinchona Estates. The suit was determined in accordance with this line so far as it extended to the land then under litigation. The Varuaner 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 Jenny little Sniato or Guar existed beyond this line.

The

The Government accepted the new line jointly proposed, which excluded all native interests except one – that of the Nambalcode Zamindar (Nallamboor Tirumulpad) which had already been under judicial cognizance & met the wishes of the European planters so far as they would not clash with the interests of the native inhabitants of the country. The tract now called the Ouchterlony Valley was thus included in the jurisdiction of the Commissionership of the Neilgherry Hills with effect from the 1st September 1873.

Some months after, on Lord Hobart's accession to the Government of this Presidency, the proposal for the annexation of S.E. Wynaad to the Hill District was again revived by Petition submitted in December 1874 and most carefully re-examined by all the Members of Council – with the past actions of successive Governments before them – and finally disposed of as shown in Para – of this minute.

It has again been revived and pressed in the broadest & most distinctive

distinctive form of Class interest and Class Antagonism in Connection with the Reasonable Retrenchment of Establishment on the Hills required by the Government of India to meet an Essential object in Malabar. And I believe that the only Course open to Government is to deal with the question in the Spirit of past administrations which have Conceded all that can reasonably be asked; but have refused to traverse, at, a European immigrant Solicitation, all obvious native interests and well-proved & Natural native feeling.

Every reasonable desire of the European portion of the Wynaad population can be more than met by moderate and effective Reorganization of the local Service and this needful measure will be advanced by allowing the retrenchment to stand & removing the Superfluous European Commanded Officer at Cotacamund.

Oct 14/76 J. D. Robinson

Appendix to Minute on the Nilgherry Commission Proceedings of 14: October 1876

Extract from

Letter from the Acting Collector of Malabar to the Chief Secretary to Govt. of 10: Feby: 1857. Embodied in Extract Minutes of Consultation of 3d March 1857

47 85

"Such a transfer, "on such grounds, would "justly be looked upon "by those persons of "Malabar, whose interests "are so largely at stake, "with the utmost distress "and dissatisfaction, "and would entail "great & most unreasonable "hardship & unnecessary "anxiety on hundreds & "of those who have also "alone have the right "to be termed the 'parties "most interested' of the "native population and "families of the parts to "be transferred. They "have not been Consulted "nor even informed. "The Sheristadars of this "office even seem to have "been unaware of the "proposal: Malabar "is a proprietary District

"and every part of the
"Country is as strictly
"private property as the
"Soil of Great Britain.
"There is no Circar (crown)
"land or forest waste
"or other except a few
"Eschiats & perhaps the
"Roundahs" + + +

"There can be no doubt
"that the wishes & and
"concerns of these Jenmies,
"the only parties who can
"be termed there 'most
"interested' should
"have the first consider-
"ation in a change so
"largely affecting their
"interest. Their properties
"are very largely involved
"in portion of Wynaad
"at all events proposed
"to be transferred and
"their interests many
"many-fold greater
"than those of the planters"

"Again there are in
"hundreds of respectable

"Natives, minor Jenmies
"or tenants under the
"various complex and
"peculiar tenures
"prevailing in Malabar.
"within this tract of
"Wynaad portion to shew
"it would be a most
"grievous hardship
"to be obliged to proceed
"to Ootacamund under
"every disadvantages
"for the convenience of
"a few recently settled
"European tenant planters"

"Had these parties been
"consulted, the result of
"the proposal would have
"been different. Most
"of the Jenmies reside
"in the low country
"on the Coast. They have
"no communication
"with Ootacamund
"none are resident
"there and nothing would
"induce one of them to
"proceed to the Hills
"neither even the Neilgherry

Cooly

"Cody resorts with reluctance.
"They would find great
"difficulty in inducing
"even an Agent or Vakeel
"to proceed thither. There
"is probably scarcely
"a Malayalum speaking
"man at Ootacamund
"at this moment, acting
"not one of respectability."

"Again the local
"laws, usages & customs
"of the Malayalum people,
"both as regards their
"domestic relations,
(Marooma katayom)
and the complex tenures
"of land ruled by the
"Jenmom Kanom Marupadi
"are so peculiar and
"thoroughly local as the
"scarcely intelligible
"to those not long familiar
"with them, and it is
"natural that so far
"as the principal litigant

"in such matters are
"concerned a transfer
"would be viewed with
"the utmost distrust
"which would leave them
"to plead these delicate
"questions before a Court,
"where the business is
"conducted in English
"and Tamil, in a foreign
"District, where their
"usages are unknown
"and where Malayalum
"Vakeels are not to be
"met with. No conditions
"more favorable to the
"conduct of Collusive
"and Ex parte suits, can
"be imagined".

James H Thomas capt
Edward Atkins Prop
Lieut Thirteen Landwick not known
C. Vigier capt
R. Vigier respected of above
Robert Capt Gerard Nathaniel Gerhardy
D. Mieu not known
Prof J Hogan Wm Thomas
Roger Lieut J H Kenrick capt
Adl. Wright capt
A R Wright Prof
M Barnard not known
A J. Griffin capt
For Pestunjee Rissemkayee
E Fernandez capt
John Wm Michen
Chemistry Walter Foli capt
Samp. Samuel Prager capt
Percy Grant capt
A H Sleedman prof
John Warren Ryan Prof
H Val Ryan Prof
H. Wapshaw for James Cricketing
C R Dawson capt
Fletcher Prof
W. Schmidt Prof

A. D Wright capt
A. Patmore
Ghoolmahommad & Co
Abdool Cawder & Co
Fakeer Mahommed & Co
Abdoor Thar Mohamed
Dudana & Co prop.
Hyat Hussein & Co
Pulney aye - (Tamil)
Lamell Woman an Tues etc
Dog - Small Girl

Have no Notice
Out of the house
for Valley

Submitted for
The Honble the Chief
Secy's perusal.

Memorandum

A precis of the Correspondence relating to the judicial and revenue administration of the Neilgherry Hills, which took place from 1854 down to 1868, when the Hills were separated from the Coimbatore District and constituted a Commissionership, was prepared by me in January last, and will be found attached to the Original M.S. of Pol. & Govt. 21st April 1874, No. 724; Pol. —

The papers called for are herewith submitted.

As it is supposed that these papers are required for reference in connexion with the subject of the proposed abolition of the Office of Assistant Commissioner of the Neilgherry Hills & the consequent revision of (Madras) Act I of 1868, it is thought proper to bring to notice that the

The changes contemplated will necessitate also the amendment of Act XVIII of 1868 (An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes), and that legislation for this purpose must be undertaken by the Governor General's Council (under section 42 of the Indian Councils' Act).

Under Act III of 1873 (The Madras Civil Courts Act) section 28, the Govt. cannot confer Small Cause powers on any Officer unless he is a Subordinate Judge or a District Munsif. —

The pay of a Head Asstt. Collector & Magte. is Rs 733-5-4, and the cost of his Establishment, Rs 177. — (please see Statement F. appended to Mr Pelly's Scheme recorded in Rev. Bo. of 14 Jany. 1867.) —

Nilgiri Hills Admnⁿ.

These papers are not wanted at present – but may lie by, together –

DL – 8/9·'74

Judicial 1877 Dept
Pres. 8 March 1877

Minute by the Hon.
Sir W. Robinson, K.C.S.I.
Dated 11th October 1876.

38 to No. 48.

No. 48.

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ഞാനെന്നു കരുതുവാനുള്ള വകയിരുന്നതല്ലയോ? ഇപ്പോൾ കാണുന്നതു
വരുന്നു. ഗ്രഹണാദിനിമിത്തം ഭൂമിയെ നാം ഇങ്ങനെ ഇരിക്കുന്നു
ദിക്കു മലയാളി. ആ ഉദാഹരണങ്ങൾ കൂടാതെ ഇന്നപ്രകാരമുള്ള
ആവക കാര്യം വെളുത്തതു ചെയ്തു ഞങ്ങൾക്കു ഒരിക്കലും വന്നതും
ഇല്ല—

4. ഏതെന്നു കാലത്തിൽ മലയാളി ഉണ്ടായ്വന്നു
ചിലർ കാലത്തെ ഞങ്ങൾ കാണുന്നതു കാരണവന്മാരും ഗ്രാമകാണക്കാരുമായ
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വന്നതു അതിൽ ഇതിനാൽ മുൻമലയാളി വന്നതു ഇങ്ങനെ
ഞങ്ങൾ ആ സിദ്ധാന്തം ഇവിടുത്തെ ചരിത്രത്തോടു ചേർത്തു
കൂടെ ഒരു ഗ്രന്ഥം ഉണ്ടാക്കുന്നതിൽ ചൊല്ലാകുന്നു ഇതിനു ഒരു ശ്രമം
തെറ്റിക്കുന്നതു പിന്നെ ആ സിദ്ധാന്തം ഇവിടുത്തെ
ആളുകൾ കാൺക്കെ ഞങ്ങൾ കാണ്കയിൽ ചിന്തിച്ചാൽ
തെറ്റിക്കുന്നതു എന്നു വർത്തിക്കുന്നു ആകുന്നു—

5. പിന്നെ ആ സിദ്ധാന്തം നമ്മുടെ
ഇവിടെ ചെന്നു കുടിയേറിയ ചിലരുടെ ഇടയിൽ ചിലസമയ
ത്തു ചെന്നു ചിലർ ഇവിടുത്തെ ആളുകൾ ഇവരുടെ സ്വഭാവം
ഇതു ഇന്നിന്നു ചിലർ ഇന്നിന്നു ചിലർ ഇന്നിന്നു ചിലർ

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25 നെടുമിലശ്ശൻവെള്ളൂ
26 ചാരക്കാവയിൽ പെരുമാൾ
27 തിരുവേഗിൽ കുഞ്ഞൻ

കുന്നനാട്ടുദേശത്തിൽ കുതുസംതുടങ്ങി അവസ്ഥിവരം

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മുന്നൂറ്റിഎഴുപത്തിഒന്നു സംടെ കൊല്ലത്തിലെ വരം

125

27 Linka Rajah, Arnasullal ൻെറ
28 ഉക്കഞെട്ടിലുള്ള മൂവെസ്സൻ ദൈവങ്ങൾ
29 വണ്ടൂരുള്ള മൂവെസ്സൻ കുരിസ്വൻ
30 ചൊലാദി മൂവെസ്സൻ കുന്നുമലയിൽ
31 ചൊലാദി വെ [illegible]
32 വെലഞ്ഞൂരകുരിസ്വൻ
33 ചൊലാദി [illegible]

Ins a letter from the
Collector of
Malabar to the
Chief Secretary
to Govt No 14 of 7
February 1876

Petition against
the annexation
of S. E. Wynad to
Nilgherries

Ins. Jud 8 & 16 of 1876

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C

In a letter from the Collector of Malabar to the Chief Secretary to Govt. No 14. dy 4. February 1876

Petition against the annexation of S. E. Wynaad to Nilgheries

Ins Jos 316 of 1876

Received and Provided

Registered Office

I have the honor to transmit to the S. S. for India the petition of the Rajah of Nilambur and Inhabitants of Wynaad against the annexation of Wynaad to the Nilgheries. I do not think the petition requires any reply from the Govt. of Madras.

the consideration with a
property so biassed
& wind.

I think Gotsentlers
being so hardly needing
the matter — that we
may reasonably ask
the J.S. & let the
selection in his favor
be postponed & was
& allow time & deal

with this collateral
question before such
as they deem final
disposals. J.S.J.

He was drawing £2400
the appt. & the Bills
in consequence
£1200. The Govt has
a right to limit in
some cases the service
in this style. Yours truly
L. Mulgrave

133

August 14. (77)

The Rt. Hon. W. Hardinge.

" " "

Sir,

I am told that in consequence of the non-return of Sir W. Robinson's minute in connexion with the conversation of South-East Wyndham, the Judicial Proceedings from the month of March have not been closed.

Stay to know if the Proceedings

Rt. Hon.

I am not the least in doubt on a matter of this kind — or prejudiced either pro or against: with the matter before the Departed in consequence of the occasion of Sir — the last cancel a year old.

There is not the slightest bias on my mind and this letter — I am sure that I shall satisfy all the Court that I should ~~[illegible]~~ the Del-

Proceedings may result
in Christ - with a hope
that the remarks referred
to will appear in this
great Proceedings.

This appears to me
to be the only way of getting
over the difficulty.

He proposes it is be-
lieved are worth his
most respectful consideration.

Your obedient Servant
[illegible]

My dear Carmichael

These papers are incomplete.

Shall be glad to have a look at my notes & find up the papers of 1857 & 1875 alluded to

Much longer for the Repeal Act.

By the Bank
Notify etc
Bus Commission
Prof
Obey
Gen Cust
Chairman
Comptr
Gl

Ordered that the Prov
be elected.

15/8/71

Essential Parts

27/10

This does not have been reflective —
And yet this was not as an apology to Dr. Colly. for the delay — Inc. the bride on 24th & 25th. Proved of interest (26th) & this was & I find the record incomplete — No. more

Review
Solon & the further information called for upon the point this Board of Ins. Section
JAS

29/9/75
Please see
G.O. 15th Augt 1857, No. 1019 Ind.
" 17th Septr " No. 1195 — " —
" 7th Decr " No. 1590 — " —
" 7th Augt 1858 No. 1066 — " —

30-10-75

Maanloddy Wynaad

My dear Sophie

I send you the information you ask for. The agitation of Mr S.S. & the Neilgherries is only kept up by Hindoos & the Eyres and the Colt forbidding. There is not one fever that I see that has required Whipsnade has no land for Potatoes & himself in Coorg. The list of Native Ammies will take a little while yet, for there are several ammies over, per acres.

Ruth Rellestone Rapie.
or the Permanent or Cap-
Rotten Jemmy Rotten Rapes
have required Mrs [illegible]
[illegible]

Boring a 100 acres and
upwards. If I remember
what S.S. Thompson said
"That the extent of land the
parties alleged they re-
presented in their petition
was exaggerated.
See other extracts about
work I hope to send in
shortly Geo Lee

[illegible]

The answer to the Grievances petition
shows I think be: that the Government
have received it as well as 30 other petitions
from certain inhabitants of the Wynaad
but after giving full consideration to the
statements therein have decided
that the balance of advantage was
in the annexation of the S.L.
adding in the case of the Wynaad to Nilgiris — which however

will in no way interfere with the
rules of succession usages or customs

B.C. 2/9

Forwarded to the Chief Sec:
26/9 WR.

I dissent — the Rev.d should shew be fully answered — the objection are earnest with founder & by Proud me answer with
26/9 JB Robertson —

From the Principal Collector
Malabar
Pro 26 Sept
476

I do not see in what expect the Memorial, 'quantum valeat' is incomplete. Mr Schmidt says that other signatures among the scattered inhabitants if the Syrians are coming let them come — This does not make a Memorial incomplete, when it is properly presented. We deal with plenty of Memorials with individual signatures. —
I would refer the subject of the Memorial to the Collector of Malabar & the Com.r of Nilgiris —

I do not myself see why Govt. should not deal at once with this petn. without waiting for further signatures. The petn. is not incomplete without them.
Govt. refer it at once to the Coll.r of Malabar & Comm.r of Nilgiris for the necessary report. The scrutiny with the native signatures I deem unimportant. The Coll.r can take no generally satisfactory to Syrians nor those of

persons whose opinion ought to weigh in the matter.

I regret the delay entailed by this course in disposing of the matters of the Commd. &c. in connection with the Malabar Special Commr. appt. but I think the decision on the question of transfer of J. E. Wynaad must materially affect its consideration.

Meanwhile - as I think the Commr is exposed to injustice

and leave them to tell us the amount of good faith there is in the agitation. I am firm in my opinion that the annexation of the Wynaad & the maintenance of the Comd.ship of the Nilgiris should be dealt with together. My colleague his Ex. the Gov. objects to disturbing the arrangement of the Wynaad, as representing the unanimous decision of a former Govt. But so was the establishment of the Lowdship on its

present footing - Why should the one be more sacred than the other?

Pending the decision of these questions - I entirely concur with Mr. Hudleston in the necessity of addressing the Govt of India, so as to prevent Mr. Cockerell suffering -

RTE

12 Oct. 75.

I do ask the G.G.in.C. 1448 permit the reduction in his pay. to be postponed until say the end of this financial year. Inter alia this matter being perhaps brought to a settled & the final proposals submitted to G.G. with the understanding that this submission shall be made at the earliest date possible - L.P.

9 Oct 75

I fully concur in the views expressed by my Mdras colleagues Messrs Ellis & Hudleston -
13th October 1876 -

145

[illegible]

[illegible]

[illegible]

that I am very doubtful
of the existence or
existence of Evolution
questions being adequately
appreciated out of
Evolution, or that
by Prof. Huxley
but that practical
Efficiency in Evolution
itself is by no means
being so much
considered elsewhere.

I think accurate
Efficiency a much easier

I think lately practically
a question of Constitutional
Growth.

In Evolution among
Metazoa, the whole
atmosphere surrounding
an favorable to right
appreciation, or at
least to the cultivation
of strong appreciation.

Away from such
surroundings, or in the
absence of acquired
moral Efficiency, it does not
of such appreciation be
possible. C.D. 24.6.70.

Mr. Rudleston has acquainted with the best coal populations — Mr. not with Malabar — possesses to an opinion with that I entirely concur

1/7

Woodlands
June 28. 1876

My dear Rudleston.

In consequence of a remark which has fallen from Sir W. Robinson I fear that perhaps I was not sufficiently precise in expressing my views in the Council Chamber today —

For that reason, and also because I should like to have my precise opinions placed on record — I have

thought it best to draw up the
Enclosed Note which embodies
my opinions on the subject and
which I should be obliged by your
submitting to His Grace and also
if you should consider it necessary
to the other members of Government.

Yours sincerely
A. McLagan

Note by the Hon. Sir H. Robinson
of 21 Augt. 75.

I must observe in limine that I much regret the form in which this discussion has been revived, the more so, in that Government Servants, I believe – notably Mr. Mechon the Superintendent of Cinchona Plantations – have taken an unusual part in this movement against a measure which was most considerately devised by Government with a view to avoid administrative changes and reduction of Consolidated Establishment consequent on restoring to Malabar the

the officer it had been deprived of.

I was not a party to the proposals made by the Government which have received the sanction of the Government of India dated 30th January 1875 at 491. My own views were expressed in my minutes dated 20th April 1874 – on which G. O dated 21st April 1874 at 471 was passed, and 19th September 1874. But I am quite willing – although alive to the faulty character of the existing constitution of the administration on the Hills in many respects – to accept the decision and to give the arrangement a trial for a year or two, when the matter may be reconsidered under better circumstances and with the

Proceedings of Govt. of Madras dated 25 September 1874 No. 1147.

See Pub. Office Gazette 25 Feby. 1875 No. 454.

recorded in Pub. Office Gazette 25 Feby. 1875 No. 1795.

fuller experience.

In the meantime I have – with a view to the determination of Govt. – offered to provide Mr. Cockerill with a judgeship of superior salary on the plains which he has declined, and we have nothing before us emanating from himself.

I propose therefore that we dismiss the Petition with a civil intimation that we are not prepared to reverse the matured resolution already come to by the Government and sanctioned by the Government of India.

At the same time I shall raise no serious objection to reconsidering the whole matter and to examine the objectionable features of administration on the Hills on its merits with a view to the repeal of

of Act I of 1868. Praying that I cannot consent to ask the Government of India to continue even for another month an wholly undue outlay on Commanded Officers in the administration of the Hills under any circumstances whatever as proposed in these Petitions - and if the matter is to be reopened I should also urge on their attention the needless drain on the Commanded Service - already unequal to the necessary demands on it - which Act I of 1868 entails & propose its repeal

The Petitioners confine themselves to generalities and are evidently in ignorance of facts and relative conditions. The analogy of the positions

and functions

and functions of a Collector & Magistrate and a Civil & Sessions Judge of a District in the plains seems to be relied on; and equal consideration in respect to these functions on the Hills is claimed. There is however in fact little or no analogy between the cases; little indeed as to the duties or responsibilities devolving on the functionaries compared. The Deputy Commissioner of Tabing having been constituted a District under Act I of 1868 (Madras) assumes, it is true, a certain and very costly status as respects its administration and personnel, but the much ~~great bulk~~ of the duties which are performed by its highly paid & numerous Commanded and Commissioned Agency is scarcely more above those of Tabing Magistracy & Officials.

In

of Act I of 1868. Praying that I cannot consent to ask the Government of India to continue even for another month an wholly undue outlay on Commanded Officers in the administration of the Hills under any circumstances whatever as proposed in these Petitions - and if the matter is to be reopened I should also urge on their attention the needless drain on the Commanded Service - already unequal to the necessary demands on it - which Act I of 1868 entails & propose its repeal

The Petitioners confine themselves to generalities and are evidently in ignorance of facts and relative conditions. The analogy of the positions

and functions

and functions of a Collector & Magistrate and a Civil & Sessions Judge of a District in the plains seems to be relied on; and equal consideration in respect to these functions on the Hills is claimed. There is however in fact little or no analogy between the cases; little indeed as to the duties or responsibilities devolving on the functionaries compared. The Deputy Commissioner of Tabing having been constituted a District under Act I of 1868 (Madras) assumes, it is true, a certain and very costly status as respects its administration and personnel, but the much ~~great bulk~~ of the duties which are performed by its highly paid & numerous Commanded and Commissioned Agency is scarcely more above those of Tabing Magistracy & Officials.

In

In my minute dated 21st April 1874 (to which reference may be made) I noticed some of the statistics of the Nilgherry Charge. The Taluq contains 750 Sq. Miles (of which 90 per cent is uncultivated) and a population of say 60,000 inhabitants (including Ootacamund & Wellington) or say 80 to the Sq. Mile — 75 per cent of whom are peaceful, rural and nomad Hill races and 2000 European (1359 including Military at Wellington) and Eurasian (796). The Municipal Ootacamund is a moderate sized Town of 10,000 and Coonoor a village of 3,000 inhabitants. Both are administered by their respective Municipal Commissioners and each has a bench of Magistrates appointed under the Act of 1874. Wellington has 2000 inhabitants (the Military include) and has a Cantonement Magistrate. There are 17 rural villages in the district, much of which is uninhabited. The Public revenues of the Taluq accounted

* Cultivated area including Kotterlong valley — acres
Ryots holdings — 35,617
Coffee — ⊕11,654
Tea — 2,029

Cinchona —
Private — 1315
Government — 1744 — 3059
52,359.

⊕ In Kotterlong valley —

as before noticed and the work connected with them is unimportant

	Rs.	
Land Revenue —	32,896	
Miscellaneous —	12,818	
	45,574	
Forest & —	18,408	
Abkary —	72,763	
Stamps —	15,636	
	152,321	

N.B. - It is possible that some charges which properly belong to the Cinchona Plantation are included, while the receipts are not given - both of course belong to the Forest Department and should with the administration appear there. The same observation may apply perhaps to the Jail Department because of the confusion of administration & finance existing on the Hills - but the fact of effects but slightly the question -

N.B. It may be interesting to compare this district with Malabar - the Plantation Taluq of Malabar. The Taluq has an area of 1115 Sq. Miles - 125938 (1871) inhabitants or 112 to the Sq. Mile, of whom 269 are European planters & 491 East Indians; and yields a land revenue of upwards of Rs. 500,000. It has a Deputy Collector & Tahsildar's charge (with Deputy Tahsildar).

amounted in round numbers in 1874 to Rs. 150,000 - a sum which is largely exceeded by charges for permanent establishments (administrative, judicial, medical, Ecclesiastical &c) employed on the Hills. The Nilgherry District is therefore simply a moderate and very easy Tahsildar's charge, so far as area, population and revenue administration and income are concerned, and but for the presence of the Residents & Planters (above enumerated) of European & European Sanitaria in the Taluq and of European Sanitaria its status would undoubtedly still be treated as such; it would form a mere ordinary part of the charge of a Superior Divisional Covenanted Officer. The Revenue duties of the charge are in the main simply those of a Taluq of very moderate dimensions and importance, and the

the functions which ordinarily belong to the Collector of a properly organized District cannot be onerous on the Hills; but the employment of Coolies on some at least of the duties which ordinarily falls on Constables, Tahsildars & Revenue officers constitutes a costly agency for the revenue administration of a poor & ~~[illegible]~~ thinly peopled & uninhabited country.

Even the special (if it may be so called) business of the Colony - the sale of waste land for Plantations and other purposes - appears from the Commissioner's letter to be limited and probably wholly unremunerative

Commissioner's letter dated 19th August 1875 No 157.

	No. of lots	Land sold	Survey Charges			Net Profits		
		acres	Rs	as	p	Rs	as	p
1870	120	183.50	473	6	1	95	15	11
1871	22	110.08	274	1	0	386	14	0
1872	15	164.46	272	8	10	2193	7	2
1873	9	344.30	677	12	9	2329	3	3
1874	15	1137.95	1393	3	1	13,615	14	11
Total	181	1941.09	3090	1	9	18607	7	3
Average	16	388.21	618 each			3720	7	4

* N.B. Acres 700 represented by land sold in 1874 are omitted as the survey charges are not shown. The land for them (Mr. Liddell's) is stated to appear, while the average survey charges on the Hills appear to be Rs. 8 per acre. When these are included the profits will be so doubtful that the matter may safely be left out of the Accounts

The above statement shows that some 3000 acres were sold in 5 years between 1870-74 with a net profit (statement lots included) of say Rs 18,500 or Rs 3,700 a year

(Exclusive of survey charges), an amount which would probably disappear before a debit of administration charges; and the sale up to August of the current year have been acres 300 only (net profit not stated). In the meantime we have been obliged largely to abate (and remit arrears of) a moderate scale of assessment which is not known. Some concession to the demand for land is promised by the Commissioner if that he returns "more liberal rules" receive the assent of Government. Further concession no doubt may be required both as to prices & annual assessment, to induce occupation of our poor waste grasslands by the experimental and somewhat doubtful plantations of tea, but it will be at the sacrifice of both the net profits on sales and hoped-for current revenue & I am afraid that possible increased demand for land cannot be treated as such a financial prospect. Might measures as to prices be Extravagant with lay on the Commissioner who dispose of these agricultural ~~[illegible]~~ applications. The applications appear to form Extend actual transactions. The cultivation in the Octeterlony Valley was transferred in full operation from Malabar & is practically in abeyance. It is a private property yielding a very moderate income to the State.

Applications

State & possibly not covering its expense. The revenue administration does not justify its present cost.

As regards the administration of Law & Justice in the district the same moderate requirement as respects highly paid Covenanted agency present themselves. The Taluq is comparatively free alike from Grave Crime & Serious Civil litigation and neither can be said to be much on the increase. Further there is nothing in the unimportant character of either which need necessarily exalt the means for its disposal above the ordinary Taluq & district agency of the Country & require Superior Civil or Executive provision.

The following tables show the work under both heads.—

Criminal Justice

	No of offences Committed	No of Cases disposed of Summarily By Magistrates 3rd Class.	By Three Magistrates of 1st & 2nd Class (Europeans)	No of Committable Cases tried by Sessions Judge
1868	1050	387	390	15
1869	980	178	574	7
1870	836	124	535	15
1871	1007	106	690	8
1872	1038	115	587	7
1873	1366	130	1,216	11
1874	1441	163	1,278	5
Total	7708	1153	5,220	68
Average	1101	165	746	8.

Civil Justice

	As Civil Judge Sub Judge	As Criminal Judge Trials	appeals	Total	As District Munsif & S.C.C. Judge	Total
1865	12					
1866	34	—	—	12	281	293
1867	12	—	—	34	535	569
1868	12	9	12	33	418	451
Total	70	16	9	37	231	268
average		25	21	46	1465	
				29	366	
	Judicial Commissioner				Assistant Commissr	
1869	6	8	9	23	225	
1870	12	9	6	32	198	248
1871	5	7	3	16	184	230
1872	8	1	7	7	187	200
1873	7	11	11	20	246	204
1874	0	6	14	32	273	266
1875 6 Months			6	10	109	305
Total				150	1421	118.
average				21(20)	203(22)	
	5	11			5	11

A glance at these figures which include those of the local Courts shows that the pecuniary requirements of the charges under both heads are on a very moderate scale and that the practical functions of the officers who are engaged in the general Executive are not of a high order. Yet the cost of the administration under Law and practice on these Hills is unparalleled — about I believe Rs: 12 per head of the population while the taxation is but 10 Rs: per head — because Commanding and Commissioners Sub-Magistrates & Munsifs constitute a costly agency to deal with petty crime & trademen's Stop-bills; and a Civil and Sessions Court is a somewhat inflated claim under the circumstances.

At the hands of such agency Criminal justice alone costs some 6 to 7 Rs: a head on the Nilgiri Hills against a general average in the Presidency, of Judicial, about 3 pies per head and each petty Criminal case on these Hills costs the State not less I am told than 5 to 10 times what it

Their number is shown in my Minute of 21 April 1874.

Creal

it does below. It will be observed that the year's offences do not much exceed in similar to those of a fair sized parish taking and judging from the statistics of crime probably 80 to 90 per cent of all the cases are such as could be disposed of by native magistrates of the 3 Class and by Village Munsiffs. But under the existing Constitution of the administration the bulk of these petty cases are tried by numerous costly Covenanted & Commissioned Officers - now to be further relieved by 2 benches of Magistrates in the Towns of Colombo and Galle where the bulk of the petty crime now adjudicated on occurs. And yet we maintain ~~the expense of~~ a Sessions Court for some 8 Committed Cases in the year. For such is the average number with which the Judicial Commissioners had to deal with between 1868 & 1874 including probably a majority of the cases which could have been disposed of by

by the Magistrates (with 1st Class powers without Committal. Out of 12 Cases tried by the Judicial Commissioners in 1873 & 1874 7 were cases within the competence of 1st Class Magistrates and the proportion was still larger in preceding years under the less extended Magisterial powers conferred by the original C.C.P. Probably 30 or 40 Cases a year comprised all the Sessions Cases properly so called, that ordinarily occurs. The District or Assistant Commissioner Magistrate tried only 4 Cases in 1874 and none in 1873. There was absolutely no appeal from a London Criminal Court to the District Magistrate in either year, and the supervisional work over the native Subordinate Magistracy - we is only need think - has now practically been assumed by the High Court. A few unimportant Criminal appeals went to the Judicial Commissioner

Commissioners because
here the original trials
(however trivial the
offence) ~~were~~ have been held before
1st Class Magistrates,
such as would in other
Districts go to the
Divisional Magistrate
but even so the appeals
of 1874 were only 14, and
in the 1st half of the
current year only five.
The judicial Commissioners
& Sessional Courts and
14 petty Criminal appeals
must have cost the State
a serious sum in 1874 ~~[illegible]~~

Practically therefore
there is no adequate
employment for the large
& costly and ill-adjusted
establishments & Commissioners
agency which we employ
on Criminal justice
on the Hills. There is that
nothing which was calculated to the
maintenance of a
Criminal judicial system
and

and establishment
which costs relatively
to population & probably
10 to 16 times as much
as the more onerously
burdened establishments
engaged in the same
work in the low country.
They are further
~~and~~ employed almost
exclusively on crime of the
most ordinary & unimportant
character. It is there is
fitting to dwell, as these
Petitions ~~[illegible]~~ on
the dignity of the Sessional
functions of an officer
who has practically little or no thing in which
to exercise them: ~~and the~~
~~[illegible] fact is that~~
~~among the more creditable~~
~~will be to the admin-~~
~~to be accurate & honesty~~
~~of this Government.~~

The remedy lies of
course in requiring the
highly taxed Magistracy
to

to do their duty - light indeed compared with what falls to the lot of men in other parts - and to the transfer of the 3 or 4 Sessions Cases that occur in the year to the Court at Coimbatore (easily reached in 24 hours by rail &c) with neither burden that exceptionally light Court nor ~~unduly~~ unreasonably has the patience of the public - In very few such cases are Europeans engaged

The Cost & circumstances of the administration of Civil justice in these Hills is equally open to remark as bearing no proportion to the importance of the interests involved. The above Statement ~~in Para~~ shows that litigation is on the decrease and the marginal notes indicate the unimportant character - chiefly trademen's Shop Bills - of the suits. The Civil judge has disposed of 8 suits of the value of Rs: 27,198 in 2 years or an average of 4 suits of Rs 3400 each in a year. The Assistant Commissioner (Munsif) has one suit of Rs. 300 a week and a small cause case of Rs 84 every other day: taking in one-half of the salary of the Commissioner and his assistant and cost of establishment the administration of Civil justice to deal with litigation involving Rs. 3,000. Cost Rs. 21,000 (or 40 per cent) in 1874. Each suit cost the State apparently Rs: 80 while the value per suit was Rs: 200. It ~~is~~ was difficult to calculate the cost to the State of litigation before a Civil judge who had 4 original suits + 3 appeals probably worth Rs: 800 to deal with in a whole year (1874) The recent extension of the jurisdiction of the Munsif's Court will reduce the

N.B This is from a rough ~~accounts~~ calculation but serves to enable an estimate to be made of what this branch of administration is actually costing us.

No. of Suits instituted in 1873 - 1876		
District Court side	7	4
District Munsif side	57	68
Small Causes side	189	204
Total	253	276

	By Judicial Commissioner		By Assistant Judicial Commissioner			
			District Munsif Side		Small Causes Court side	
	No.	Amount	No.	Amount	No.	Amount
1873	6	21,604	54	11,327	196	17,556
1874	2	5,594	62	24,020	197	15,482
Average	4	3,392	58	304	196	&c

the work of the Civil Judge to a minimum without probably large increasing that of the lower Courts. It seems to me simply puerile to merge the dignity ~~[illegible]~~ of the function of a Civil Judge in the Hills in the face of such circumstances of fact. (Wrong I hold) ~~which [illegible]~~ to continue them.

The only reasonable remedy lies as it seems to me in clearing away the form of maintaining a District Civil Court where there is nothing for it to do ~~and~~ transferring its unlimited functions to the light-worked Civil Court of Coimbatore.

The abolition of the more or less titular Civil and Sessions Court at Ooty will clear the ground for simpler & more reasonable & moderate administration under supervision in the District ~~and will~~ remove the fiction which is apparently misleading ~~and~~ perhaps demoralizing the public.

These measures of course involve the repeal ~~of that anomalous Act~~ fact (Madras) ~~act~~ I of 1868 which is ~~[illegible]~~ ~~[illegible]~~ ~~Consequence so far nothing to commend it to consideration~~ The Act is inconsistent ~~Act I of 1868 violates~~ as with it appears to me more than one of the first and best established principles of our administration, in that it dissociates Magisterial & Revenue functions and unites Revenue & administrative powers with the highest judicial ~~controlling~~ functions ~~in the most~~ confusing

(as originally intended by Lord Hobart's Government which I hold to be desirable)

(Everywhere else usefully united in the officer who is the head of the administration)

(Everywhere else wisely kept separate)

confusing manner.
The Commissioner is, under it, the Collector of the District only, but at the same time Civil & Sessions Judge and Principal Sub Commr of his own charge. His permanent Constant is Magistrate of the District, head of the Police and practically also the independent judicial officer as Munsif & Judge of Small Causes. He is Pound & Manager of Grants and in his revenue capacity does some of the minor duties of a Salug & Heristadar &c. & treasury officer and Cash-keeper &c. The nominal Head of the District is thus legally deprived of all Magisterial power of control over his Magisterial subordinates and the Police, in several important respects; the is in the eye of the Law ~~subordinate to the~~ not the principal Executive officer of his charge) ~~[illegible]~~ in the Exercise of functions

in respect of which ~~the~~ ~~letter of the law~~ ~~or~~ his primitive submission ~~or acquiescence~~ are not matters which can always be relied ~~on in fact~~ ~~of the law~~ to avoid the Collision ~~deadlock for which the Act provides~~ under the large & extended powers of the District Magistrate by the new C.C.P. ~~and~~ for the Last recent orders of the High Court & Government ~~that~~ practically vest the entire control and generally supervising of the local Magisterial Policy in the hands of the District Magistrate the junior officers. It speaks well for the subordinates that the thing has not long ago led to utter confusion and serious contention but no doubt the paucity of work has saved us collision appearances in some respects. ~~The case~~

Scarcely

Scarcely understand how the officers who appreciate the dignity of the law & responsibility of office can readily consent to manage a District under such ill-defined and precarious conditions. The Govt: in fact pays the Senior Officer a high salary but the law leaves him little to do, while for all practical purposes by far the major part of the work whether Magisterial or Executive must be judicial & done by the junior officers.

And it is without one non observation that the municipal & other miscellaneous duties of the station devolve on him almost exclusively.

Again confusion reigns in the offices of the Commissioner & his Assistants. The District Magistrate has no independent office

Not apparently less than one-fifth of the Civil or Criminal litigation of the District comes before the Judicial Commissioner

The Revenue Establishment belongs to the Commissioner &

office establishment. the Clerks are the Commissioner's subordinates either in his revenue or judicial capacity and these again are in a great measure indiscriminately employed on revenue, magisterial & judicial work - original & appellate - in fact apparently nothing seems can pass out of the hands of the Commissioner's Manager & Sheristadar in his manifold capacity of Manager of the Magistrate & of the Collector's office both & Sheristadar of all the judicial Courts of different Courts. The want of arrangement appears to me objectionable ~~in the extreme~~ and must naturally fail to command either respect or confidence

With a view to the future administration of this Taluq or District I would repeal Act I of

Initialled by me

A

and restore the ordinary course of administration. I would
of 1868 and appoint a (as intended originally by Lord Hobart's Government)
1st Class District Munsif
European
(East Indian) for the
administration of Civil
Justice within the ordinary
powers of such an Officer
and leave the few Civil Suits beyond
his jurisdiction to the
Civil Court at Coimbatore.
The abolition of the Judicial
Sheristadar (Rs. 100) would
provide part of the funds
required for the Office
Establishment. As
respects Revenue and
Magisterial functions (a single European Covenanted Officer as Collector & Magistrate will suffice &)
I would appoint a
2d Class Tahsildar &
Sub Magistrate to the Taluq
who should exercise his
Magisterial functions
outside the limits of the
Station — the Military Commissariat
Officer ~~(Col. Hankin)~~ still
taking those duties within
the Station & presiding over

over the bench of
Magistrate of Ootacy
when sitting. The abolition
of the Sheristadarship
of the Commissariat's
Office (Rs. 200 a month)
and substitution of a
manager of the Collector
and Magistrate's Office
would furnish at least
half the sum required
for the Tahsildarship and the
Subordinate Office Establish-
ment need not be large.
The Tahsildar would
Execute all duties connected
with the Pension & Cash
Departments, for the
latter need not be
onerous with a branch
bank at the Station. There
is a Deputy Tahsildar & Sub Magistrate at
Coonoor who would then
~~without aid~~ ~~Exercise~~ as now both revenue
& magisterial functions
under the Tahsildar.
I would appoint a
Collector

Collector & Magistrate
of the District on Rs 1200
a month
to 1500, who would more
than suffice for the Revenue & "Land-Sales"
duties and for those
of supervising & Magisterial
functions, which would ordinarily devolve
on such an officer. Serious
Cases would be committed
to the Court of Coimbatore
The Commissioner Magistrates would manage as now at Ootacamund & Wellington
The Revenues of the
District are too small
to justify more expensive
administration & I consider
that it will be advantageous
that the Collector &
Magistrate of this small
District should not
be paid so high as to
tempt him to settle down
for life in a genial and
easy post. We want
an active, zealous,
young man who has
a name to make and
aspires to a more
important and lucrative
situation

situation, to do justice
to the office.

The other points in the
Petition seem of no value
so far as they bear on the
matter of administration
except to deny emphatically
that the Taluq has been
subjected to "Exceptional
or Experimental administ-
ration". The truth is
~~absolutely~~ the reverse
~~of this assertion~~.
While the District formed
a Taluq of Coimbatore,
both revenue & judicial
officers devoted a very
undue share of their
time ~~attention~~ to the
Hills and since it has
assumed the position
of a separate District
the outlay on administration
- whether viewed from a
financial point of view
or in regard to its drain
on the overworked and
Commissioner

Para 4 of the Petition

Commissioner ~~their~~ service
and work performed
of the State has been
extravagant beyond alike
parallel and justification.
The reasons of its backwar-
-dness, despite continued
and large local expenditure will not
~~be perhaps deeper and~~
~~are too essential to be~~
removed by ministerial
Establishments. Be this
as it may we have to do
with the things that are not things that
~~pilgrims~~ of the Petitioners
might have been in the ideas
The allegations in Para 5
are equally beside the truth
and even had the policy
and action of Govt. been
such as it is misrepresented
to have been, it would have
been justifiable. It
is a Sanitarium that probably more as
the Hills take a high
place in the estimation
of the public in general
and it has been the
duty of those who have
the

NB. On this point the opinions of the late & Br. Robertson's report may be referred to.

the control of funds 163 15 is
applicable to their improve-
-ment should devote a
fair portion of those funds
to make the Sanitarium
attractive & serviceable
to that end.

Not

The matters noticed
in Para 6 will be treated
on their merits when the
subject comes as may
be shortly expected
before Government.
These considerations however
are not likely to enhance
the value of the Hills from
a financial point of view
or reasonably to justify the
continuance of our costly
and pretentious administ-
-ration. At all events the
time to consider this point
is when anticipations, which
concessions may suggest, have
developed themselves into
realities some years hence.

21/8

A Memorial [illegible]

[illegible]

[illegible]

[illegible]

to lie over – if there is any Memorial from S. E. Wynaad.

E.S. begs to dissent.

Fy. 24/9/5.

[illegible]

[illegible]

Noted by the Govr. R. S. Ellis-Cts.
8th Sept. 1875 – 164 16

I see nothing to regret in the form in which the question of altering the system of administration of the Nilgherry district has come before the Govt. namely a petition presented by the European settlers in the district protesting against the proposed change.

I consider it a subject of gratification rather than of regret, that the European settlers are watchful of all changes in the administration of the district, and that they are united, not in protest against, but in defence of the existing system and in deprecation of any alteration –

Nor can I perceive that the Petitioners, in describing the Past policy of the Govt in the administration of the Nilghiry district, as continuously exceptional and experimental" are either ignorant or inaccurate in their statement.

For what are the facts of the case? Briefly stated, we find that taking a period of 14 years - 1854 - to 1868. there have been no less than four different systems of judicial administration, the revenue administration oscillating between the Collectors of Malabar & Coimbatore, until in 1868 the existing system was adopted.

In that year 1868. after very careful consideration it was decided that the arrangement, under which the Nilghiry Hills had been treated for Revenue and administrative purposes as a Talug or Subdivision of the collectorate of Coimbatore was unsatisfactory, while the judicial duties of the Civil & Sessions Judge were so light as not to occupy the whole of his time. Under these circumstances it was deemed expedient to abolish the appointments of Civil & Sessions Judge, & of Special Assistant and Magistrate and in their stead to create the appointment of Commissioner and Asst Comr.

and to assign to these officers the whole of the duties administrative as well as judicial hitherto discharged by the Judge — the Collector of Coimbatore & the special Assistant. This new arrangement being ~~[illegible]~~ justified by the growing importance of the administrative requirements of the Nilgherry hills and the inadequacy and inconvenience of the then existing administrative arrangements, while the lightness of the judicial duties left to the Judge much time for other work. — We are now, in 1875, upon the point of disturbing this arrangement of 1868. — Surely under these circumstances

the statement of the petitioners to which exception has been taken, is neither an exaggeration nor a misrepresentation of facts.

The cause of the impending change is not that the system of 1868 has failed, for it is an undoubted success and is popular with those interested in the district, but because a pledge was given by the Madras Govt to the Govt of India, that if permission was given for the appointment of a special Assistant in the Malabar district, a corresponding saving (960 £ per annum would be made

in some other branch of the administration.
I very much regret that such a pledge should have been given, when the reasons for the appointment in Malabar were so obvious and urgent. But I do not think that this promise of reduction should materially influence the present Govt, in deciding whether it is desirable, in order to effect an inconsiderable saving, to interfere with the administration of the Nilgherry district which as now constituted & after ~~[illegible]~~ standing the test of seven years experience, is satisfactory to the large & increasing European community.

When the Govt, as constituted in 1868, provided by legislative enactment for the administration of the Nilgherry district, they recognized the importance of the two sanitary stations of Ootacamund & Coonoor, the invalid depôts of the Madras European Army at Wellington, and of the ~~[illegible]~~ planting interests which were then springing up within the existing limits of the district, which have since been enlarged by the addition of the Ootacamund valley & which may probably be still further increased by the inclusion of the S. E. Wynaad. — Bearing in mind the injunction of the Secretary of State that the settlement

of Europeans on the Neilgherry hills was, for political reasons, of great advantage their arrangement was based on the prospective requirements of the district rather than on the establishment of a satisfactory debtor & creditor account. It was not contemplated that a large direct revenue would be derived from this exceptional district; But it was considered & justly so in my humble judgment, that the main object in view was to attract capital to a part of India congenial to European enterprize and to secure the political objects

3

indicated by the Secretary of State when the events of 1857 were still prominently ~~in~~ remembered. —

If the influx of European settlers has, during the past been somewhat delayed — the Govt. is itself in some degree responsible. Under the Existing Rules for the purchase of lands, there has been apart from their illiberality, delays are caused which are unnecessarily vexatious and in the case of small capitalists these hindrances are ruinous in their results

I am satisfied that a more liberal code of Land Rules, such as is now under preparation will remove these obstacles and that we may reasonably expect a large increase in the number of planters on these hills.

When the small amount of direct revenue derived from the Wilgherry district is prominently brought forward as a reason for disturbing the existing administrative arrangement, it seems but fair not to omit from consideration the large amount of capital that is being spent

here

It is a sign in the direction of this increase, that even under the objectionable rules - during the last year 1800 acres were sold as compared with 365 acres during the whole tenure of office of the last Govt.

in the district by the European settlers in the employ-ment of labor both indigenous & imported - the rapidly in-creasing prosperity of the native community & their considerable & increasing contributions to the State in the form of indirect taxation.

I have briefly indicated above what I believe to have been the policy of the Govt in 1868, and approving of that policy it is unnecessary that I should follow H. E. the Governor in his analy-sis of the judicial labors of the Commissioner - which

recognized as light when the chief direction of both the judicial & Revenue administration was united in one Officer. – nor can I, as bearing on the question, admit the comparison made by His Excellency of the financial results of the administration of an important European settlement, specially circumstanced, with an ordinary Revenue Taluq in the plains – To speak of Ootacamund as a "Curbah" & Coonoor as "a village" appears to me to be stretching comparison beyond the point at which this method of reasoning can be of practical utility.

4

I may however be permitted to mention, with reference to the statistical return of Judicial work, a fact which has been communicated to me by gentlemen largely interested in the plantations here – that there are good offices rendered by the Commissioner which find no place in figured statements, but which have a very beneficial effect in the reduction of litigation. The Commissioner is often consulted on matters in dispute among the European settlers and his advice and arbitration not unfrequently obviate

the necessity of their having recourse to the Civil Courts. But to acquire so desirable an influence it is essential that the officer holding the appointment of Commissioner should be a person of considerable experience & official position such as will command the confidence & respect of the European community. ~~Taken as this, it seems~~ With this important object in view, it is very undesirable that there should be frequent changes in the ~~of~~ office of Comr. and this, will, I fear

be the result of fixing the salary at a sum which will practically exclude officers of experience. The cost of living on the hills is so great that if the salary is reduced no senior member of the service will accept the office of Comr. and if a junior is appointed he will find, that as the head of the administration, he is obliged socially to expenses which would make his retention of the office for more than a year or two most impondent.

I can conceive nothing more
mischievous & discouraging
to the European settlers than
a rapid succession of
incumbents to the
Office of Comr.-
Under these circumstances
I earnestly deprecate ^ ^ and with a view to the annexation of S. E. Wynaad wh. is impending
any immediate alteration
of the existing administration
system of the Nilgherry District.
If the Govt., as I trust
they will, sanction this
important addition to the
district, retrenchment in the cost of administration
becomes no longer
necessary. ~~If~~
If the Govt. reject the proposal
to annex S. E. Wynaad

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and resolve to curtail
the present cost of the
Nilgherry district, I would
then adopt the hont.ble Mr.
Hudlestons proposal ~~to~~
which will retain the
Commissioner on his present
salary, relieving him of
the duties of Civil & Sessions
Judge, transferring this
portion of his ~~duties~~ work to
the Coimbatore Court under
certain restrictions indicated.-
~~He~~ The Commissioner would
then be the Chief Revenue
officer of the district - &
also Magistrate of the district
with Small Cause Court
powers & jurisdiction -

Under this combination the Office of Assistant Commissioner would be abolished –

I have, in conclusion and with reference to a remark made by His Excellency the Governor, "that on this question of an alteration of the present administration of the Ootacamund District we have nothing emanating from the present Commissioner Mr. Cockerell", to point out that altho' Mr. Cockerell is an officer of long service and of ability, & that he has been a successful & popular administrator

of the Nilgiri district he has not been afforded ~~the desired~~ any opportunity of submitting his views on the probable effect of the contemplated change – I believe the opinion of this officer would have been useful to the Govt and I am persuaded it would have been given with entire freedom from personal feeling.

I must express my concurrence in the opinion ~~expressed~~ of my hon^ble colleague Mr. Anderson that throughout ~~of~~ this matter Mr. Cockerell has been treated with unmerited discourtesy & want of consideration

Sept. 13. 75 R.S.E

Rec'd 13 Sept. 75

Commissioners sick
of Nilgherry Hills

Sir Judicial & P. Depts 601/2
27 & 28th March 1877

Noted by H.E. the Commander-in-Chief
9/16 Septr. 1875

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The Commissioner sick of the
Nilgiris —

I think regret that
the apparent need of
strengthening the Ad-
ministration of Malabar
should have induced
me to join, however re-
luctantly, in proposals
tending to weaken that of
the Nilgiris, sacrificing as
I now consider it, the interests
of the one to the need of
the other. The circumstances
of Malabar seem such as
to justify our pressing
for a new appointment
in that extensive, under-
officered and important
District. Without disturb-
ing arrangements elsewhere
this would, the Govern-
ment argues the question
of

of the Establishment on the Hills as if the Plains and the Ochterlony Valley formed an Ordinary Valley, but apparently there is no Valley throughout the length and breadth of the land in which similar conditions of population and industrial occupations can be found. Portions of the Regional Council be the required approach to it, and here lie it with an earnest desire on the part of the Settlers ~~on Lower Potrero~~ to be brought under the same administration as that which they deem to have conferred such large benefits on the Settlers on the Plateau and on those in the Ochterlony Valley, since its amalgamation.

The signers of the Petition now before Govt.

Government are naturally averse to any measure calculated to lessen the status of the Comr. or to introduce an element of constant change in the holder of the appointment. The confidence of these Gentlemen can only be acquired by long personal intercourse. The Chief Assistant promoted to it will not as a matter of course be immediately accepted by them at the value placed upon his services by Govt. Possibly by the time such confidence has been achieved he may be removed on further promotion.

The Planting interest already large, constantly increasing and I think we are bound to take it into favorable consideration

consideration the Errors
herein said by Sullivan
whose fortunes are bound
backed in it.

I have been assured
by one of them that the Out-
turn of Coffee in the
Okterlony Valley, this season
will be valued at less than
£180-000 and that it will
probably reach £200-000 -
further that nearly one and
a half Million Sterling of
Planters Capital has been
invested in the District
It will be understood what
an amount of Capital this
will represent in a few years,
if such figures can be posted
now in the infancy of
Tea and Coffee Cultivation -
But we know that new
Estates are being opened up
and old ones added to

every

every day, and we also
know that the Plant Traffic
via Cossoo is increasing
at the rate of from 11 to 12
per Cent per annum.
If these Statements are
correct we have ample
grounds on which to justify
the legislation of 1868 under
which this Exceptional
District is treated in an
Exceptional Manner.

We are fortunate
in having to deal with
Petitioners whose prayer
is not for any revolutionary
measure, but merely for
the Maintenance of the
existing state of things -
I have therefore no hesita-
tion in recommending
that the prayers should
be put into being Condition
at once.

W.

It can hardly be
denied that these Gentlemen
have grievances, that
their interests have not
been the first thought
of Govt. in the administration
of the District in which
they have cast their lot.
And that the statements
advanced in respectful
terms as to the Channel which
Govt. by expenditure has taken
is perfectly true. As
a matter of fact Roads
have been made for the
benefit of Visitors, not
for the Planters. Yet
this very expenditure is
not infrequently urged
against them in support
of the argument that
the District does not pay.
A more liberal
policy towards these
Gentlemen and
the maintenance of an
administration

administration which
shall secure the respect
and confidence of the
Planters are due to them.

I fully concur with
the views expressed by
the Govr & Mr Ellis and
would deprecate at this stage
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~

the partial annexation
of the District to Coimbatore
for judicial purposes.

16th September 1875.

Rec'd by the Hon. the Secretary of War – Sept. 1875

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I am not prepared to join
with Mr. the Hon. Secretary
in depreciating the services
of our Officers on the Stills,
because the laws which they
administer are infinitely lighter
labors than elsewhere
Nor in depreciating the
administration of accounts
of money of this Govt. because
after trying many different
methods of administration we
have deliberately
adopted the present system:
it is probably as practicable a system
in the hope of eventually under
the general system of the
previous systems.

I do not think that the Govt.
has fairly represented the
circumstances & claims
of the Stills & the forming
of two Divs. consolidated
with them. and consider

that the financial statement
of the Secretary of State for India, is
open to question: as E.g.
in including all the extra
charges: but no Secretary
in debiting the full military
pay of one Lt. Col. Staff —
the giving the charge debitable
for the superintendence of
the European & native jail —
I conceive that the Bills are
an exceptional disbursement
to be treated exceptionally —
and the question Rs. in fact
the Memorial raises is
whether the Bills ought to be
debited Rs. 800,000 adopted last
year. (the 2 civil numbers disturbing
my understanding) is the best
that can be drawn under the
circumstances. The Govt. having
undertaken large pecuniary
economy will all provide
a special assist for the

I cannot help thinking
that some mistake
has taken place in the amt.
of the Fundamental
Bill charges.

Koplah taluks of Malabar.
The present Government staff
with the Bills included
a Commr. on Rs. 2000 —
an Assist — 802
The former is an Ass. of 25
years standing.
The letter of Mr. Grove.

The Govt. in Sept. last intimated
to the G.I. their intention of
adding the Commr. pay
Rs. 1200 from the Civil
current month to the Govt. of this
year. and on the under standing
that the saving of Rs. 800. a
month. [illegible] the
pay of the Commr. of the Bills,
will be effected from Sept. 5[illegible]
the G.I. sanctioned the removal
of the asst. of Sp. Assist. in
Malabar. As the Inspector

stands the Ordnance by may
suppose I cannot the services
of an Officer of regular service
to the Ceylon Hounds for the
first Hounds but that many
and I am of opinion that
the arrangement will not
be adequate for the requirements
of the post. I therefore
recommend the services of an
officer of higher standing
and more experience as Chief
Civil Officer on the Hills.
At the same time I am
not disposed to urge the
retention of the Hill gives
Commission staff with
present pay and
I concur in opinion with
the Hon W. Robinson that
the Commanding Officer
of superior standing &c.

be sufficient. I do not
however agree with the
rate of remuneration
he has assigned for him.
I do not consider it adequate
to secure the services of
an officer of the standing
that I think the interests
of the Hills fairly demand
& the position requires.
I would abolish the
first Assist. Commr.
altogether. I do not
think the second necessary.
I would relieve the Commr.
from the duties of
Civil & Criminal Judge
& Commr for the Jurisdiction
& the Coimbatore Court.
arranging that the Judge
shall hold Civil & Criminal
sessions here & that actual

necessity arises. I forbear
the matter which occasion
for the special sanction of
Govt. & also the duration
of his stay on the Kilsoon
Coast occasion

I would make the Commd. Engr.
of the District - and leave
him also with the Civil
powers of a Cut Judge & Mag.

I would retain his pay
at the present rate of
Rs. 2000 monthly.

I do not find among
the papers any list of the
present establishment.
but I have little doubt
that it might be rearranged
so as to provide a Taluk
Tahildar & Cut Mag.

P.S.
I forbear the
last paragraph of this
letter considering it
be given to the Civil
Engr.

I believe that the amount
of field work satisfactorily
done, & the difficulty that occurs
to me as the position of
the occasion of the Commd.
occasional forced absences
from Headqrs.

As regards the civil
work - the civil Engr.
could do it if necessary.

Nor do I anticipate any
heavy necessity for
putting the capacity for
Civil Judge - or the indispensable
judicial testimony
I do think he quite
sufficient to dispose
of the work.

As regards the respect to
be given to the Resdt.

that I am in regard to Mr.
Cotterill. I am decidedly
of opinion that he should not
suffer any loss of pay.
He is an officer of very
good abilities & reputation.
He is generally thought standing
to be in high favour with the
Lords of Admiralty, & upon
this account, a very considerable
loss of pay. The situation
of his children.
Inasmuch as I have
given satisfaction I shall in
the post. The Mr. certainly
has had no cause to complain
of his conduct, but he
states that he has had to serve
on a company with Lt.
who has undertaken in his
letter to be the cleanest
fellow in the service and cleanest
but ~~cannot expect~~ that the
confidence of the Service in
the fair dealing of Mr. must
be very greatly shaken
by what has occurred in the
matter. L.H.

Mr. Cotterill
that the Flag
Officer on the Lowestoft Station
in the H. Wilson
Lieut. Commander
of the Lowestoft Station
Lieut. Commander
to the H. Wilson
L.H.

Mr. Cotterill to Hardy — 21st Nov. 1875.

1875 54

I do not conceive that the Mr. can
summarily expect this petition.
cannot be decided by the Board.
Admiralty. and I should be glad
to have it applied to on this ground.
If in my own case the petitioner
is right, it is urged indeed that
I have flagrantly prejudiced him
by. I have done, I believe, no
less. I decide, & I believe
absolutely, that I do not
think it right to grant
prayer of petition, or
adopt
The course I intend to pursue
is to adopt in the case of January, the
after Lord Dalhousie's letter to
Squid. the addition of Mr.
the Lieutenant commanding
the Mr. Wilson at Lowestoft
to be stationed in S.E. Squadron

and the Gold Bars & Ingots the Black
Lists for his Majesty and have sent the
Gentlemen Outlaws Duty to Exchequer
in the Bills of Lading Class.

I think it was recommended
they should be in the Mint & Warehouse
for the Clerks: but I do not find
the Labour to be much Gain to
them that the Recommendation
was taken Duty Official.

As regards Medals for Merchants
found, I do not think any Apply
Time will but the Logic of Mint
Medals that the Dies are perished
after the Reign: so not Fine Table
In Spite of Legislation Spec.
Lucas Gotham Dies Jet so alone.

At the same time the Incumbent
Director Spaunt the Lady Serg
Explanations were therefore considered to

Samuel Tea Pies that the time has
arrived for more Dies & Changes
Mint Dies Dem determined. but
am quite willing & adapt the Pattern
of the Dies Ad-Libis. & Direct
Tray Fall Engraving among Stand
in the Different Parts in calculated
Practically Kind Dies Sam carried
out. Expeditions Apply being in this Lib
r. At the same time Dies
Engrain Study Submission of the
Formalities called for to the
Sd. of January 75. in view of
Giving the Darlich possible
Effect to the Decision on the
Question of Right altinate the
arrived at. I take it for granted
that the Transport the higher
Jurisdiction in Ordered
by Know of the Former Finding
Dies were as Latin Partin

1877 70

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

again

READ ~~the following letter~~

Letter to Govt. of India 25 Novr. 1876 No. 2443 & reply dd 29 Jany 1877 No. 17. } recorded in G.O. 16 Feby 1877 No. 423.

Res. of Govt. 23 May 1871 No. 689. — 15 July 1873 No. 1097 & 28 Decr. 1874 No. 2357.

3547 1875

Read the following papers.

From Mr. W. E. Schmidt — 1st Oct. 1875.

Minute by Sir H. Robinson — 28 " —

Do by the Hon. Mr. Ellis — 19 Nov.

From Ag. Collector of Malabar — 7 Feby 1876.

From Tirumulpad of Nellambur — 17 June 1876.

Note by the Collector of Malabar — 29 ~~18~~ Augt. 1876

From Honorary Secy. Planters' Association N. Wynad — Letter dd 11 Augt. 1876.

From Representatives of the Wynad Planters' Association — — Augt. 1876.

Minute by Sir H. Robinson — 14 Octr. 1876.

Order dd 8 March 1877 No. 601.

The Government of India having by their reply dated 29 January 1877 No. 17 to the letter from this Govt. of 25 Novr. 1876 No. 2443, indicated their willingness to allow the pay of the Commissioner of the Nilgiris and

N.E.
Sec. 5/3

Seen
MR 7/3.

and the appointment of Assistant Commissioner to remain on their former footing the Governor in Council is now able to deal with the question of the proposed aximeration of South East Wynaad to the Nilgiris which has been repeatedly urged on the consideration of Govt.

The local limits of the jurisdiction of the Ootacamund Subordinate Court as fixed in 1858 followed the Grant ridge

ridge by Sispara, Makurte and Nilgiri peak, to Neddivattum and the course of the Pykara and Moyar rivers thence to the junction of the latter with the Bhowani river - thus including a tract of country below the Segoor pass in the Hills jurisdiction.

The same local limits were, on the abolition of the Subordinate Court, assigned as the jurisdiction of the Civil and Sessions Court established under Notification dated 8 September 1863, published in the Fort St. George Gazette

Gazette dated 8 idem - and on the abolition of the Civil and Sessions Court and the establishment of the Nilgiri Commissionership under Madras Act I of 1868, the jurisdiction of the Commissioner embraced the same local limits.

It was increased in 1873 by the addition of the "Cuchterlony valley" section of S. E. Wynad.

The population of S.E. Wynad was stated by the Collector in 1872 at 37347. The coffee acreage at 6546 exclusive of the Cuchterlony valley.

In 1869 a petition signed by 34 landholders in S.E. Wynad prayed that their properties might be included in the Nilgiri Commission

Commission and described the district as bounded on the West by road from Sultan's battery to the Mysore frontier at Goundulpet & from Sultan's Battery by Yellakal Hill and the Skolan river to the crest of the Ghaut.

and as including in 1869/68-76 coffee estates of 6973 acres under cultivation on which about 50 European planters were resident. - It stated that they all banked at Ootacamund and

and drew their supplies
thence and that many
of the proprietors resided
there - while for any
Court business beyond
the jurisdiction of the
local Sub Magistrate
they had to resort to
Manantoddy or
Calicut.

In dealing with
this petition the Govt
(23d May 1871 No 889 Jud.)
doubted the practicability
of including the whole
of the South East Wynad
tract in the Commis-
sion - but saw no
objection

objection to the transfer
of a part of it - and
suggested as the boundary
the road from Tippu-
Kadu to the head of
the Karkur pass - on
which proposal they
desired the Commissioner
and the Collector of
Malabar to report -
adding that if after
trial the addition to
the work of the Commis-
sioner did not prove
unmanageable it
would be easy to add
a still larger tract.
The opinion of the
High Court was also
sought

sought on the expediency of the proposed change.

The High Court replied that if provision were made for disposing of civil suits at Gudalur no real hardship would in the opinion of the majority of the Court result. The Government showing apparently in the suggestion that the Sub. Magr. Rotan Sr. Sitty Cooro in other cases

The Commissioner and Collector of Malabar recommended that the transfer should be restricted to the Cuch-terlony valley: basing this limitation to a great extent on the suggestion of Govt. that the circumstances might be accompanied by the abolition of the Sub Magistrate's post at Gudalur: but also because the inclusion of Gudalur in the Commission would leave the adjoining Wynad tract without any nearer Sub Magistrate or Police Station than Vitu, 55 miles distant. They also objected to a District boundary being drawn close to a town and along a much frequented

frequented road.

This transfer of the Pottiyan valley was carried out by G.O. 15 July 1873. No 1097.

In December 1874 a Memorial was addressed to Govt. by 32 planters of South East Wynad owning 30000 acres of land of which 3200 were under cultivation, praying again for the annexation of the district to the Nilgiris on the ground of distance from Calicut the station of the District Magistrate, the centre of the administration of Malabar, the seat of the Local Fund Board and of the Chief Registration office - compared with comparatively close proximity to Cotacamund and therefore to the corresponding officials, as well as to their Banking station and source of supplies.

The Govt. declined to accede to the proposal (28 Dec. 1874. No 2357)

In Proceedings of 7 January 1875 No 35, the Govt. had again under consideration

the

the arrangements necessary for the proper administration of the Wynad as including North Wynad - South Wynad and South East Wynad - and came to the conclusion that it was necessary with reference to the area, population and growing planting interests to place a second Deputy Collector and Magistrate at some station to be selected in South and South East Wynad and directed the Collector

of

of Malabar to report where he could best be stationed and what detailed arrangements should be made.

But while the question was still under discussion - that of amnexation to the Nil-giris was again raised by a deputation which waited on the acting Governor in June 1875 and by a Memorial of 1st October 1875 signed by 38 planters and land owners - ~~and~~ pointing out

out that all the reasons formerly urged in favor of annexing South East Wynaad to the Nilgiris had acquired added strength by lapse of time and growth of local interests. They prayed that if the Government should abide by their decision to reject the prayer it might be referred thro' the Govt of India to the Secretary of State.

On 7 February 1876 the Collector of Malabar forwarded three petitions

petitions from the native inhabitants of the Munna-nad - Cherankode - Nambalakode and Ganapatevattom amshoms, constituting South East Wynad, signed by 261 persons styling themselves landholders and principal inhabitants, deprecating the proposed annexation on the ground that all their relations, caste connections and old associations are

are with Malabar.
That none of their
race reside on the
Nilgiris - that the
climate of the Hills is
adverse to them - that
the peculiar customs
and tenures and the
language of Malabar
are not understood
there - that they
are the proprietors
of the soil in South
East Wynad, while
the advocates of annex-
-ation are only their
lessees - that for them
(Petitioners) Mammutoddy

Even

Even is less inconvenient
as the centre of business
than Cotacammud, and
that even the partial
annexation made -
(Cutchterlony valley)
was a perpetual cause
of regret to them.-

On 17 June 1876
the Tirumulpad of
Nilamboor memorialized Government
protesting as Jenmi
proprietor of the
whole of the Numba
lakode Amshom
against the proposed
annexation

annexation on the ground that owing to climate - caste obligations and difficulties of language it would be impossible for him to proceed to the Nilgiris for the despatch of business.

On 28 June 1876, Mr. Logan the Collector of Malabar submitted in a note to the Chief Secretary his opinion that the annexation of the whole or any part of the Wynaad to the Nilgiris

was perfectly practicable, provided adequate arrangements were made for the disposal of Civil suits in the Malayalum language which he considered to be essential for securing justice to the people in this class of business.

He ~~stated~~ indeed that he did not attach much importance to the native objections as regards climate - caste - religious observances &c. adding that the Nilgiri climate is much less of a change to a Wynaad man than to one from the plains.

In July and August 1876

1876, Memorials were addressed and a deputation waited on His Grace the Governor from the Planters Associations of the whole of Wynaad praying for the annexation of the entire taluk to the Nilgiris.

A counter Memorial was at the same time presented to the Collector of Malabar by seven planters of North Wynaad deprecating the measure.

After carefully considering the question and weighing the arguments urged for and against annexation, the Governor in Council has come

[illegible]

[and after personally inspecting all the tracts with the superintendent of Malabar & the Commr. of the Nilgiris]

to the conclusion that the balance of advantages is in favor of annexing the Kumbalatta Cherangode and Munnanad Amshoms to the charge of the Nilgiri Commissioner.

The statistics of the tract are set forth in the annexed statements of which the abstract is as follows:-

	No. of Holdings	Assessed area	Revenue
		acres.	Rs.
Europeans & Eurasians	59	4736	10,051
Malayalum speaking natives	952	1268	4,980
Canarese and Tamil do.	331	731	1,578
Total	1342	6735	16,609

The

The representatives of the most growing interest in the locality are unanimously in favor of annexation and altho' they are styled "lessees" of their estates, they is no doubt that they are practically proprietors - that they have invested very large capital in the development of the resources of the district and that its prosperity mainly depends upon their enterprise which is entitled to receive every encouragement

at

at the hands of Government.

The tract of country is exceedingly remote from the Head quarters of the Malabar district while it is within easy reach of the Nilgiri Commissioner's Head Quarters.

The occasions on which necessity compels the Native inhabitants to resort to the seat of the District Magistrate and chief Court can in any case be comparatively few - but the facilities for the Superior Officers of the District to visit this locality ~~are~~ while unquestionably far greater

in

in the event of Vamme-
ration to the Nilgiris
than if it should remain at-
tached to Malabar.

The difficulties in
the way of climate and
caste prejudices are not
considered ~~of no importance~~
by the experienced Col.
lector of Malabar, the
as regards the essential
of a knowledge of Mala-
yalum for the disposal
of more important Civil
Suits, the Governor in
Council sees no reason
to suppose that a quali-
fied Agency will not
be readily available
for the service of liti-
gants - or that the
Commissioner

Commissioner of the
Nilgiris will have gre
difficulty in this respe
than the District Judge
of South Malabar.

As tending to promo
the material prosperity
~~of the tract in question~~
~~the Governor~~ in Council
has no reason to doubt
the good policy of the
measure. and he is also
of opinion that it will
tend to economy of
administration by enabling
the Government to arrange
at less cost than would
otherwise be practicable
for the improved admi-
nistration of the re-
mainder of the Wynaad
which will continue
attached

attached to Malabar.

The Governor in Council is also convinced that whatever tends to encourage cultivation ~~the European planting~~ in Wynaad is directly for the manifest advantage of the Native proprietors of the land.

N.B. The Governor in Council accordingly directs that the annexed Notification requisite to give effect to this Resolution be published in the Fort St George Gazette and in the Gazettes of the Malabar and Nilgiri Districts respectively.

Notification.

Notification

Madras Act I of 1865.
The Madras Civil Courts Act, 1873, section 10.
The Code of Criminal Procedure, Section 38.
Madras Act I of 1868, section 5. —

with reference to Madras Act I of 1868, section 4, & the several enactments noted in the margin, the Governor in Council directs that the tracts known as the Nambalakode, Cherangode and Mannanad Amshoms, which at present form part of the Taluk of Wynaad in the District of Malabar, and are included within the local limits of the jurisdiction of the District and Sessions Judge

attach
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N.G. The
accord
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requis
to the
publica
Lt Gov
in the
Malaba
District

Judge of South Malabar
shall, from and
after the 31st March
1877, be transferred
to, and included in
the jurisdiction of
the Commissioner of
the Nilgiri Hills.

Commissioner of the Nilgiris 3
Collector of Malabar. 6
Revenue Dept. 6
Board of Revenue. 6
Hon. the Judge of the High Ct. 6
Accountant General. 6
District Judge of South Malabar 3
Do ——— of N. Malabar 3

Sent 10/3

Gazette 13/3

Despd with Prgs
1073

109 15

No 602

Judicial Department

The Honorable Sir W Morgan, Kt
Chief Justice of the High Court
of Judicature at Madras

Honble Sir,

In forwarding, for the information of the Honble the Judges of the High Court, the accompanying Copy of the Proceedings of Govt of this date, No 601, directing the transfer of the Kummalaccotta ~~Kummalaccotta~~ ~~Kummalaccotta~~ ~~Kummalaccotta~~ Amboow in South East Wynaad from the District of Malabar to the Commissionership of

† The several papers read in these Prgs are being printed. The printed copies are not yet ready.

21-3-77

of the Nilgiri Hills;
I am directed to request
that, should it be found
that these tracts, or
any of them, are at
present included within
the local limits of the
jurisdiction of the
Subordinate Judge at
Calicut, or if the
existing jurisdiction of
the District Munsif at
Gudalur extends beyond
the boundaries in
South East Wynaad —
the requisite steps
may be taken, under
the provisions of clause
2 Section 10 & Section 11
of Act III of 1873, to
adjust the local
jurisdiction of these
Officers

Note
No Notification is
necessary as to the
"Small Cause" limits
of the Sub Judge at
Calicut & Distr.
Judge as Judge
as para. 2 of the final
Decree issued by Govt.
on 18 March 1873 directs,
viz. for all that
"Subordinate Judge at
Calicut & District Munsiffs will
exercise the Small Cause
jurisdiction within the
local limits of their
jurisdiction as fixed
by Act III of 1873."

Officers, with reference
to the transfer now
ordered: —

Fort St George
8 March 1877

C.D.T. 8/3/77.

Gov^t of 1877 Def^ts

Judic^l Def^ts

G.O. W^s 601-602.

7-8th March 1877.

38-d-57-

Govt of {1877} Madras.

Judicial

To

The Commissioner of the Nilgiris.

Dated 8th } March 1877. No. 601.
Recd.

Nos. 38 - 50.

Ryuad. The transfer of the tracts known as the Nambalakode, Cherangode, Mannanad and Anekoma forming part of the Taluq of Ryuad in the District of Malabar to the jurisdiction of the Commissioner of the Nilgiris resolved on — and a Notification of the same directed to be published in the Fort St. George and Malabar & Nilgiri district Gazettes respectively — and the High Court addressed on the subject.

19.6.43.113