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3. Initials of Reference

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# MADRAS RECORD OFFICE.

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## Government of Madras.

Public Works DEPARTMENT.

Cons. 28.4.57

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| G.O. No. 760 | Press Mis. |

30—31

Dated 23—4—1857

***Not to be folded or roughly handled***

Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Sudder Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 10th February 1857, No. 17.

SIR,

From the Civil Judge of Coimbatore, dated 31st July 1856 with enclosures.
From the Civil Judge of Tellicherry, dated 26th August 1856.
From the Collector of Malabar, dated 2nd October 1856.

I am directed by the Judges of the Court of Sudder Udalut to forward to be laid before the Right Honorable the Governor in Council, the accompanying copies of correspondence noted in the margin, on the subject of extending and better defining the limits to the jurisdiction of the Principal Sudder Ameen's Court at Ootacamund.

2. It will be observed that the jurisdiction formerly assigned to the District Moonsiff's Court at Ootacamund, which comprised only so much of the Hills as lie within the Coimbatore District, was transferred to the Principal Sudder Ameen's Court on its establishment, but the Civil Judge of Coimbatore now brings to notice the very limited extent of jurisdiction thus assigned for a Court exercising such extensive powers compared with the jurisdiction ordinarily assigned to a tribunal of that class, and points out the desirability of extending it to the entire area of the Hills to their base, including a portion of the Malabar District, and adds that this arrangement will prove beneficial to the European settlers on or about the Hills.

3. The Collector of Coimbatore is of opinion that the boundaries of the Principal Sudder Ameen's Court's jurisdiction on the Coimbatore side should extend to Kullar on the south side, Teppacaudoo on the north, the Hill foot or Danaickencottah on the east, and Nadoovuttum and Walaghaut on the west.

4. The Collector of Malabar coincides in opinion with the Civil Judge of Coimbatore that it would be very desirable to extend the jurisdiction of the Ootacamund Principal Sudder Ameen's Court over the whole area of the Hills and proposes that the boundary line should commence at Soondaputty making the Coimbatore and Malabar limit on the left bank of the Bowany river run due west to "Gullikul Hill," north east and north to "Tukumallaybetta," north west to "Moocoorty Peak," "Neilgherry Peak," and the "Carcoor Pass," on the ridge above Davalacottah, thence to the lower range, dividing Davalacottah and Nellyallum run north east to "Gulloor Hill," and thence due east to the angle near the Malabar and Mysore boundary including the stream running north and south into the Moyaar river.

5. The Civil Judge of Tellicherry and the Collector of Malabar are also of opinion that it would be highly advantageous and quite in consonance with the wishes of the Native residents to transfer to the jurisdiction of the Principal Sudder Ameen's Court at Ootacamund, the villages of Segoor, which are separated from Wynaad by a dense jungle of several miles extent; but the former Officer recommends that it should be left optional for parties to bring their actions either in the District Moonsiff's Court at Manantoddy or the Principal Sudder Ameen's Court at Ootacamund. He however points out an objection to the transfer of these villages, as Mr. Ouchterlony, the present Principal Sudder Ameen, is a landed proprietor and coffee planter in a part of the country which will then be transferred to the jurisdiction of his Court.

6. The Judges, I am desired to state fully concur with the Civil Judge of Coimbatore that the extension of the limits to the jurisdiction of the Principal Sudr Ameen's Court at Ootacamund is highly desirable, and had if not been for the objection stated by Mr. Chatfield, they would have recommended the limits pointed out by the Collectors of Malabar and Coimbatore. The Judges are of opinion that it would be very objectionable to give parties the option as proposed by Mr. Chatfield of suing in the Court either at Ootacamund or Wynaad. In that case one party might sue in the former and the other in the latter Court regarding the same matter.

7. The Judges would recommend that the eastern and southern boundaries as proposed by Mr. Thomas should be fixed, but that the names of the villages situated within these boundaries should be named by him. The boundaries of that part of the country now belonging to Malabar as stated by Mr. Clarke might be taken as far as "Moocoorty Peak," the line would thence continue to Neddoovuttum at the top of the Goodooloor Pass and thence to the east along the line of the Coimbatore District as laid down in the Maps of Coimbatore No. 6, in Pharoah's Gazetteer. This would include Segoor and Tippacaudoo and all the tract along the foot of the Hills bounded by the river Moyaar as far as Danaickencottah and between the latter and Soondaputty.

(Signed) GRORGE ELLIS,
*Register.*

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From T. B. ROUPELL, Esq., Civil and Sessions Judge of Coimbatore; to GEORGE ELLIS, Esq., Register to the Court of Sudr and Foujdaree Udalut, dated 31st July 1856, No. 57.

SIR,

1. I have the honor to request you will lay before the Judges of the Court of Sudr and Foujdaree Udalut the accompanying copies of correspondence* bearing on the question of fixing more extended and well defined limits to the jurisdiction of the Principal Sudr Ameen's Court at Ootacamund.

*1 Letter from the Principal Sudr of Ootacamund, dated 3rd April 1856, to the Civil Judge of Coimbatore.
1 From the Civil Judge to the Collector of Coimbatore, dated 10th April 1856.
1 From the Magistrate to the Civil Judge, dated 18th April 1856.
1 From the Civil Judge to the Collector of Coimbatore, dated 25th April 1856.
1 From the Collector to the Civil Judge, dated 1st May 1856.
1 From the Civil Judge to the Collector of Malabar, dated 18th June 1856.
1 From the Collector of Malabar to the Civil Judge, dated 22nd July 1856.

2. When originally suggesting the establishment of a Principal Sudr Ameen's Court at that Station, I contemplated that the limits to be assigned to it would include the entire

area of the Hills to their base on every side. This extent is in itself very limited for a Court of such extensive powers compared with the jurisdiction ordinarily assigned to a tribunal of that class. But one important consideration which influenced the creation of the present Court was, I apprehend, to afford, to European settlers engaged in cultivation &c., on and about the Hills, the benefit of a Court of competent powers within a reasonable distance in preference to obliging parties having occasion to resort to the Courts, to proceed at great inconvenience to a remote station in the plains.

3. The Judges are aware that prior to the present Hill Court being established, there was a first class District Moonsiff located at Ootacamund, whose jurisdiction was very circumscribed, since it comprised only so much of the Hills as is within the Coimbatore District, and excluded entirely the western division situated in the Province of Malabar.

4. When that Court was abolished and the present Principal Sudr Ameen's Court was opened, I was absent on leave or I should have taken the precaution to solicit instructions as to more extended limits being assigned to the latter. The consequence of this point not being brought to notice led to the limits of the inferior Court being continued to the superior tribunal which I apprehend was under the circumstances an oversight merely requiring to be now brought to notice to receive modification. On receipt of Mr. Burgass' letter dated 3rd April 1856, I addressed the Collector of this Zillah and subsequently placed myself in communication with Mr. Clarke, the Collector of Malabar being desirous of having the benefit of their opinions as to the most desirable limits to be assigned as the Hill Court local jurisdiction in their respective Districts.

5. From the replies received from both these Officers it will be seen that they coincide in opinion with me that an extension of the Court's limits is highly desirable, and from the enclosure in Mr. Clarke's letter, it is satisfactory to observe that the European settlers with whom he communicated on the subject were unanimous in desiring to have their locations included within the limits of the newly established Court at Ootacamund in preference to being compelled to resort to the more distant Courts on the Coast.

6. I am not personally acquainted with the portion of country recommended by Mr. Clarke to be attached to the Hill Court, but the Judges will be capable from their own local knowledge of forming an opinion of the expediency of adopting the line indicated.

7. In regard to the Coimbatore boundaries, I would merely add that they seem to include all that is requisite on this side the Hills, and I would therefore suggest their adoption should the Judges approve, of these propositions I would further recommend that the new limits assigned to the Principal Sudr Ameen's Court be published for general information in the Fort St. George Gazette in English, Malialum and Tamil with a view to enable all classes likely to be affected by the change being made acquainted with the fact.

(Signed) T. B. ROUPELL,
*Civil and Sessions Judge.*

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From R. BURGASS, Esq., Principal Sudder Ameen of Ootacamund; to T. B. ROUPELL, Esq., Civil Judge of Coimbatore, dated 3rd April 1856, No. 40.

SIR,

1. There being no document on the records of this Court defining the limits of the local jurisdiction of the same, I have the honor to request you will be so good as to furnish me with information tending to shew the extent of country subject to the jurisdiction of this Court, and the boundaries within which it is situated.

2. There exists on the records a table shewing the names of the villages subject to the jurisdiction of the late Moonsiff's Court, whose place has been taken by this Court, but it does not define where the local jurisdiction of this Court begins and where it terminates, and there is no written authority for holding the jurisdiction of the Court extend over the whole Talook of Ootacamund. At the same time I beg to bring to your notice that the parts of Hills within the Malabar Collectorate are not considered within the jurisdiction of this Court, although for obvious reasons it would be highly desirable that they should be so included.

(Signed) R. BURGASS,
*Principal Sudder Ameen.*

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From T. B. ROUPELL, Esq., Civil and Sessions Judge of Coimbatore; to E. B. THOMAS, Esq., Collector and Magistrate of Coimbatore, dated 10th April 1856, No. 76.

SIR,

1. I have the honor to enclose the accompanying copy of a letter* from the Principal Sudder Ameen of Ootacamund, requesting to be informed as to the limits of this Court's jurisdiction.

* 3rd April 1856.

2. When recommending the Establishment of the present Court, I suggested that its jurisdiction should include the entire area of the Hills to their base. It seems to me that the limits of the Principal Sudder Ameen should be definitely marked out by certain well known



natural boundaries, for instance the Coimbatore limits on the Mysore side. The Kallaar river on this side and so on. If you will favor me with your opinion on the most desirable boundaries, I will submit the whole correspondence to the Sudder Court for their approval of what we may consider best.

(Signed) T. B. ROUPELL,
*Civil and Sessions Judge.*

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From E. B. THOMAS, Esq., Magistrate of Coimbatore; to T. B. ROUPELL, Esq., Session Judge of Coimbatore, dated 18th April 1856, No. 115.

SIR,

Adverting to your letter of the 10th Instant, No. 76, I have the honor to annex a Memo. showing the boundaries within which the jurisdiction of the Principal Sudder Ameen of Ootacamund may, I think, extend.

(Signed) E. B. THOMAS,
*Magistrate.*

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Memo. of the boundaries within which the jurisdiction of the Principal Sudder Ameen of Ootacamund should extend.

Kullar on the south side.
Tippacaudoo on the north side.
The Hill foot or Danaickencottah on the east side.
Nadovuttum and Walaghaut on the west side.

(Signed) E. B. THOMAS,
*Magistrate.*

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From T. B. ROUPELL, Esq., Civil Judge of Coimbatore; to E. B. THOMAS, Esq., Collector of Coimbatore, dated 25th April 1856, No. 83.

SIR,

1. I have the honor to acknowledge the receipt of your letter of the 18th Instant.

2. Adverting to the Memo. shewing the boundaries you propose for the jurisdiction of the Principal Sudr Ameen's Court on the Neilgherries, I would beg the favor of your informing me what villages you would thus place within those limits, at the base of the Hills, for the points indicated in your letter are far apart, and in fixing the Court's boundaries it seems quite necessary that the line should be distinctly laid down by villages and natural land marks; should it be in your power to afford me these details, I shall be much obliged.

(Signed) T. B. ROUPELL,
*Civil Judge.*

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From E. B. THOMAS, Esq., Collector of Coimbatore; to T. B. ROUPELL, Esq., Civil Judge of Coimbatore, dated 1st May 1856, No. 132.

SIR,

In reply to your letter of the 25th Ultimo, No. 83, I am unable to afford you more distinct boundaries than those given in my letter of the 18th Idem, the points, indicated at your request, are prominent ones, and natural land marks; a line drawn from Kullaar to Danaickencottah, for instance, would include all within it.

(Signed) E. B. THOMAS,
*Collector.*

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From T. B. ROUPELL, Esq.; Civil Judge of Coimbatore; to T. CLARKE, Esq., Collector of Malabar, dated 18th June 1856, No. 143.

SIR,

Being about to address the Court of Sudder Udalut, on the subject of extending and defining the limits of the Principal Sudr Ameen's Court's jurisdiction on the Neilgherry Hills, I have the honor to solicit the favor of your opinion as to the boundary which should be fixed on the western side within your District.

2. When the Court was originally proposed by me, I strongly recommended that its jurisdiction should extend over the whole area of the Neilgherries including the slopes to their base; the object being to afford to present and future settlers on and about the Hills the benefit of a local Court of competent jurisdiction in Civil as well as Criminal matters. At the time the Court was opened I was absent on leave, when the Principal Sudr Ameen was directed to assume the

limits of the late District Moonsiff's Court of Ootacamund which do not extend beyond the portion of the Hills attached to Coimbatore and exclude a large portion which it would seem very desirable should be included within its boundary.

3. Under these circumstances I beg the favor of your opinion in regard to the boundary to be assigned on your side as I apprehend you would concur in opinion with me that the proposed extension is both desirable and in accordance with the object contemplated on the Establishment of a Court of such extensive powers as that of a Principal Sudr Ameen.

4. The accompanying letter was received from the Collector of Coimbatore on a similar reference being made to him to assign the boundaries on the Coimbatore side.

(Signed) T. B. ROUPELL,
*Civil Judge.*

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From T. CLARKE, Esq., Collector of Malabar; to T. B. ROUPELL, Esq., Civil Judge of Coimbatore, dated 22nd July 1856, No. 2142 A.

SIR,

I have the h[illegible]r to acknowledge the receipt of your letter of the 10th Ultimo, No. 143.

Before rep[illegible]ng to it, I was desirous of ascertaining the sentiments of the European settlers on the sides of the Neilgherries, on the subject of your proposal of placing them under the jurisdiction of the new Court established at Ootacamund.

† From Mr. Lascellas, dated 2nd July 1856. From Mr. Perrie, 1st July 1856. From Captain Godfrey, 4th July 1856.

The replies† of these Gentlemen I now submit, It will be seen that they are unanimous in desiring to take their suits to the newly established Court at Ootacamund, in preference to bringing them before the Court at Tellicherry.

On the grounds of the strongly expressed preference to the Court at Ootacamand by the parties most interested, I agree with you in thinking that the jurisdiction of the Principal Sudder Ameen's Court at Ootacamund should extend over the whole area of the Neilgherries; but I would submit whether parties in Wynaad or on this side the Coimbatore boundary should not be allowed the privilege of carrying their appeals to the Civil Court at Tellicherry.

The boundary line of the new Court, if extended to that part of the Neilgherry range which lies in this District would then, commencing at Soondaputty making the Coimbatore and Malabar limit on the left bank of the Bowany river, run due west to "Gullikul Hill," north east and north to "Tukumallaybetta," north west to "Moocoorty Peak," "Neilgherry Peak," and the "Carcoor Pass," on to the ridge above Devalacottah thence to the lower range dividing Devalacottah and Nellyallum run north east to "Gulloor Hill" and thence due east to the angle near the Malabar and Mysore boundary including the stream running north and south into the Moyaar river. Vide Arrow Smith's Atlas Section 61.

(Signed) T. CLARKE,
*Collector.*

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From A. LASCELLES, Esq., to T. CLARKE, Esq., Collector of Malabar, dated Ootacamund, 2nd July 1856.

SIR,

I have the honor to acknowledge the receipt of your letter of the 24th June, and in reply to inform you that I should much prefer being placed under the jurisdiction of the Ootacamund Court to being compelled to avail myself of that at Tellicherry nearly 80 miles off, and I believe that it will not only be more conducive to the ends of justice, but also to the welfare and interest of all those to be included in the proposed arrangement.

If I might take the liberty of suggesting the results of my local knowledge and experience, I would name Eddamally, Captain Godfrey's plantation, Nardagany (the top of the Carcoor Pass) my own location near Davalla, and the division between the Nelialum and Davalla District as the boundary of the jurisdiction of the Hill Court. This boundary is clearly defined and unmistakeable, it is the edge of the upper or Wynaad country for many miles and then a high range of hills constitutes the limits, and this arrangement includes all the country within 32 miles of Ootacamund and comprises all the European settlement and all the lands likely to be taken up by Europeans. The persons against whom my suits are likely to be brought, are workmen and contractors resident on the Hills, so that the change would also benefit them as they would have greater facilities also for obtaining justice either as Plaintiffs or Defendants.

I trust you will excuse my taking the liberty of suggesting at the same time that the power and authority of Joint Magistrate at Ootacamund should extend to the same limits, as the jurisdiction of the Principal Sudder Ameen's Court.

Much inconvenience is felt at present from the nearest Magisterial authority (and that a Subordinate) being nearly 40 miles off with a bad road and several rivers, to cross between him and most of the settlers in this part of his division, and considerable delay must, frequently ensue in important cases, from the necessity of his referring them to superior authority. This



would be obviated by extending the jurisdiction of the Magistrates as well as the Principal Sudr Ameen's Court to the limits named by me which are natural boundaries incapable of being misunderstood.

(Signed) A. R. W. LASCELLES.

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From Mr. JAMES PERRIE; to T. CLARKE, Esq., Collector of Malabar, dated 1st July 1856.

SIR,

I am to day in receipt of yours of the 24th June, I am not aware what benefit I may derive by having the privilege of a local Court at Ootacamund over Tellicherry, I do not expect to require the service of either parties much, I would much prefer Ootacamund to Tellicherry, the distance is material, 38 instead of 100 miles from Walghaut.

I am much obliged for your giving me the option of either.

(Signed) JAMES PERRIE,

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From Captain T. H. GODFREY, Bombay Army; to T. CLARKE, Esq., Collector of Malabar, dated Ootacamund, 4th July 1856.

SIR,

In reply to your letter of the 24th of June, No. 1801, I have the honor to state that I am of opinion that it would certainly be an improvement on the present state of such matters to extend the Sudr Ameen's jurisdiction at least to the extent proposed for the reason that attendance would be easier, as being so much nearer than Tellicherry, I do not know of any other advantage, but imagine it would be equally beneficial to both parties in a suit for the same reason only.

(Signed) T. H. GODFREY, Captain,
*Bombay Army.*

(True Copies.)

(Signed) T. CLARKE,
*Collector.*

(True Copies.)

(Signed) T. B. ROUPELL,
*Civil and Sessions Judge.*

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From R. W. CHATFIELD, Esq., Acting Civil Judge of Tellicherry; to G. ELLIS, Esq., Register to the Court of Sudder Udalut, dated 26th August 1856, No. 380.

SIR,

I have the honor to acknowledge receipt of your letter under date the 20th Instant, with copies of correspondence regarding the jurisdiction of the Principal Sudr Ameen of Ootacamund.

2. - It has always been my opinion that the jurisdiction of the authorities at Ootacamund should extend over a portion of the Wynaud as far probably as Nelyatim and the Carcoor Pass with the Segoor villages, and I have no hesitation in recommending a proposition so desirable for all parties, leaving it optional for them to proceed either in the District Moonsiff's Court of Manantoddy or the Principal Sudder Ameen's Court of Ootacamund. That Segoor should be embraced within the Ootacamund jurisdiction is very desirable as the communication between that place and Manantoddy is circuitous and bad but easy and good to Ootacamund.

3. - I have no Map by which the boundaries could be defined, but I think there is a tolerably well marked line between the Carcoor Pass and Mysore as proposed by Mr. Lascelles which would include all the coffee estates and Europeans who could profit by the transference. There is not much litigation amongst the Natives in that part of Wynaud, and they are not likely to come into collusion with planters in matters of a civil nature, but since such a thing is possible and the real inhabitants of the country might object to having to resort to the Neilgherries, I think any objection is removed by allowing them option of the Moonsiff's Court of Manantoddy or Principal Sudder Ameen's Court of Ootacamund.

(Signed) R. CHATFIELD,
*Acting Civil Judge.*

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P. S.—The only objection I can conceive to the extended jurisdiction lies in Mr. Ouchterlony, the Principal Sudder Ameen, being a landed proprietor and coffee planter in a part of the country which will be thus placed under his Court.

From T. CLARKE, Esq., Collector of Malabar; to GEORGE ELLIS Esq., Register to the Court of Sudr Udalut, dated Calicut, 2nd October 1856, No. 3006.

SIR,

In reply to your letter of the 20th August last, I have the honor to inform you, that from all that I have been able to glean in reference to Segoor, I am decidedly of opinion that it should be under the jurisdiction of the Sudr Ameen's Court at Ootacamund, and I am assured that the arrangement would be quite in consonance with the wishes of the Natives of the place.

(Signed) T. CLARKE,
*Collector.*

(True Copies.)

(Signed) GEORGE ELLIS,
*Register.*

Read



Read the following letter from W. ROBINSON, Esq., Acting Collector of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated Manantoddy, 10th February 1857, No. 18.

SIR,

From the Chief Secretary to Government, Judicial Department, dated 20th January 1857.

With reference to the Official Memo. which accompanied Mr. Walhouse's letter to my address, dated 27th Ultimo, I have the honor to forward, direct to you, a copy of a reply sent to that Officer that no inconvenience may arise from delay.

(Signed) W. ROBINSON,
*Acting Collector.*

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From W. ROBINSON, Esq., Acting Collector of Malabar; to M. J. WALHOUSE, Esq., Sub Collector in charge, Coimbatore, dated 9th February 1857, No. 351 A.

SIR,

Official Memorandum from the Chief Secretary to Government, Judicial Department, dated 20th January 1857.

In reply to your letter under date 27th Ultimo, No. 29, with enclosure, I have the honor to state, that I am not aware that any part of the District of Malabar falls within the jurisdiction of the Principal Sudr Ameen of Ootacamund. I therefore doubt whether the queries apply.

2. Of the highland plateau of the Neilgherry Hills, the Koondahs, or that portion of Hills, south east of Makoorty Peak down to Soondaputty belongs, together with the slopes westward, to the Walloowanaad Talook of this District, and is within the jurisdiction of the Civil Court at Calicut. The slopes of this part of the Hill range are long and lead down directly into the low country of Malabar. They are covered with extensive and valuable Teak &c. forest, the properties of Malabar Jenmies or landed proprietors. The part of the plateau of the Hills north of Makoorty and Neilgherry Peaks and lying between Nedawattom and the Pycara river belongs to the Wynaad Tolook and is within the jurisdiction of the Civil Court at Tellicherry. The slope of the Hill plateau in this part is short and abrupt and at once merges in the table land of Wynaad and Mysore.

Population 543, Hindoos.
No. of Houses 139—Small.
No. of people paying Revenue to Government 137.
Amount of Land Revenue,.....Rs. .....355
Ditto of Moturpha .....75
430
No. of people paying Revenue below 20 and above 10 Rs. 9
Ditto below 10 Rupees.....128

3. The statistics of the Koondahs are shewn in the margin the Revenue is paid in Malabar.

4. With reference to the queries, there is only one spot of cultivation of the description about which information is sought and this lies well down the Malabar side of the Koondah slopes, viz.

Professor Owen's Walaghat Coffee Estate (Manager Mr. Perrie.) The Estate covers more or less about 600 acres of which 200 or 300 are in full bearing, the rest is young. It is by no means a prime Estate and may be valued at 50 to 75 Rupees per acre, say at Rupees 30,000 to 40,000. This part of the country is not at this moment considered so highly suitable to Coffee as other parts and will be settled very gradually if at all.

5. There is no land occupied for agricultural purposes, nor is there any likelihood of an early demand for any place on the portion of the Hill plateau between Nedawattom and Pycara, nor on the very abrupt slopes into Wynaad. The Coffee cultivation which now exists is on the bank &c. of the Pandy river in the Nambollakode Umshom of the Wynaad Talook and is carried on by European tenants of Malabar (Jenmies) Proprietors, and the land on which it is carried on is no more a part of the Hill plateau than any other part of Wynaad and has no communication or connexion with Ootacamund, save in so far as some of these tenants, 2 or 3 in number may be residents at Ootacamund, for their own convenience.

6. The reference now under acknowledgment has brought under my notice Mr. Roupell's letter to Mr. Clarke, under date 10th June 1856, No. 143, proposing an extension of the jurisdiction of the Court of the Principal Sudr Ameen of Ootacamund over that portion of Malabar on the sides of the Neilgherries where European settlers are engaged in Coffee cultivation, and Mr. Clarke's reply dated 22nd July acquiescing in the proposal on the ground that three *European settlers "are unanimous in desiring to take their suits to the newly established Court at Ootacamund in preference to bringing them before the Court of Tellicherry and on the strength of this strongly expressed preference of the parties most interested" the boundary line of the new Court is traced so as to transfer to the Ootacamund Court not only the § Koondas, but the greater part of the Nambollacode Umshom of the ¶ Wynaad Talook.

* Messrs. Lascelles and Godfrey of Wynad, Mr. Perrie, of Walaghat Koondah.

§ At Soondaputty, making the Coimbatore and Malabar limit on the left bank of the Bowany river, run due west to "Gullikul Hill" north east, and north to "Tukumally Betta," north west to "Moocoorty Peak."

¶ "Neilgherry Peak" the Carecor Pass on to the ridge above Devalacottah, thence to the lower range, dividing Devalacottah and Nellyalum, run north east to Gulloor Hill and thence due east to the angle near the Malabar and Mysore boundary including the stream running north and south into the Moyaar river. Vide Arrow Smith's Atlas Section 61.

7. Now I must, with deference, remark that this correspondence does not place Government in possession of any of the circumstances which it would no doubt wish should be weighed, with reference to so important a transfer and I must add that such a transfer, on such grounds, would justly be looked upon by those

N. B. The line has apparently been traced on a mere view of Arrow Smith's Map alluded to, for nothing can be more arbitrary than the line traced along the Moorpen Moody range in some parts taking in bits of the Nellyalum Umshom leaving out other portion of the Nambolakod Umshom. The line would not bring Mr. Lascelles' estates within the jurisdiction of Ootacamund, which no doubt he sought.

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 Jenmies of the parts proposed to be transferred. They have not been consulted nor even informed. The Sheristedars of this Office even seem to have been unaware of the proposal.

8. Malabar is a proprietory 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. This fact is to be traced to the circumstance of our acquisition of the country. When the first war with Tippoo was imminent in 1791, the Hindoo Chiefs of Malabar, known to be ill-affected towards the Mysore rule were invited under a variety of assurances, by Proclamation of the Governor General, to aid the British arms by universal revolt and to a man they responded. At the peace of 1792, the cession of the Province was stipulated for and the fee simple territories of the Malabar Chiefs were thus transferred to the Company's rule.

9. The Malabar Chiefs at first claimed to be treated under the terms of the Proclamation, as tributaries and not as a conquered Province. This position was summarily over-ruled, but proprietory title in the land was never questioned and a Settlement on Zemindary principle was commenced with the different Jenmies or proprietors. The Settlement broke down very shortly through the mismanagement of the Chiefs and the Government undertook the administration of the Revenue and Police of the country on Ryotwary and general principles, but the Chiefs and Jenmies, were treated as Poligars, one fifth share of the Revenue of the Jenm proprietors were granted, and then and ever since the fee simple title of the Malabar Chiefs and other Jenmies of Malabar, in their respective properties of all descriptions and of whatever extent, were and have been, acknowledged and respected. Hence it is that private individuals hold great extent of forest and waste land, which in other Districts would be assumed as Government property.

10. 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.

11. 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 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.

12. Had these parties been consulted, the result of the proposal would have been different. Most of the Jenmies 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 Mopla Cooly resorts with reluctance. They would find great difficulty in inducing even an Agent or Vakeel to proceed thither. There is probably scarcely a Malyalum, speaking man at Ootacamund at this moment, certainly not one of respectability.

13. Again the local laws, usages and customs of the Malyalum people, both as regards their domestic relations, (Maroo makatayom) 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 faimiliar 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 Malyalum Vakeels are not to be met with. No conditions more favorable to the conduct of collusive and exparte suits, can be imagined.

14. With regard to the transfer of Civil or Fiscal jurisdiction of the Koondahs, I see some objections and possibly some advantages which I think it might be well to consider carefully. The question was ably discussed 20 years ago and deliberately disallowed, I believe, by Government, but it might again be brought under consideration. In the mean time there can arise no single advantage from a hurried decision. The ground on which the transfer is urged by the European settlers and agriculturists is that of their convenience, it is therefore pertinent to remark that there is not a single individual of this description on the Koondahs properly so called, nor has any application for land for agricultural purposes been made, or is likely to be made soon. When this new demand for Civil justice springs up, it may be supplied. The statistics of the Koondahs are given in para. 3.

15. As regards the convenience of the § Manager of Professor Owen's Estate which is on the slopes of the Koondahs, I assert without fear of contradiction that although the health or pleasures of a Manager may lead him to Ootacamund, the convenience and concerns of the Estates are best served by a continuation of the present condition of things. 'Business, rarely if ever

§ Mr. Perrie's name I find as one of the "most interested parties" who desires to take his suits to Ootacamund.



N.B. 40 at least up Hill from Ootacamund

can take him there. His labor, his transport, his supplies, his communication, correspondence are all from the low country of Malabar. Such contracts &c. as he may be a party to, are with inhabitants of Malabar. The Estate is half way down the Sisparah Ghaut and well into Malabar. He is within 25 miles of the Talook Cutcherry and Moonsiff's Court if he needs Criminal or Civil Law. He is nearer in actual distance to Calicut† than to Ootacamund and that road lies in the direction of his business, the Ootacamund road, the reverse. The crops of the Estate are shipped at Calicut, all the money and mercantile transactions of the Manager, are carried on, on the Coast with Ootacamund, he can have little to do, and least in a legal way. If Mr. Perrie has a grievance, he has not forsooth judged wisely of the remedy it needs. I doubt not that his principal would rather leave well alone.

† Calicut is easily reached in 18 hours from the Estate, and full half of the jourmey is performe i by water. The whole route, except about 12 miles, is through open, fully peopled and supplied country with the "Dalhousie" road leading to the foot of the Ghaut within 6 miles of the Estate.

16. With regard to the portion of Wynaad proposed to be transferred, I beg to submit the following information.

Extent about 150 square miles.
Village or Tarra..... 5
Population (Native) .. 3816
Revenue, Rupees.....1200
No. of Payers..... 99

The Umshom of which the statistics are shewn marginally, formed a part of the extensive properties of the Nambalcottah Varnaver, a chief of great influence and power during the time of Native rule and excepting so far as portions of it, have from time to time been alienated by him and become the prescriptive property of the inhabitants of the petty principality, the whole is and ever has been the Jenm property of a Malyalum proprietor. The family has broken down and the property, as far as it remained in the hand of the late representative, is now transferred to the Tiroopaad of Nellemboor. Should the family become extinct, the Government may bring forward a claim as an escheat. Within this Umshom there are not less than 40 or 50 inhabitants, who are likewise proprietors on a greater or less scale, and several of the Temples have fee simple properties of no insignificant extent. The fact that there are payers of Revenue is significant of the extent of Native litigation &c. which finds redress now where they most prefer it.

17. 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 not look upon the necessity of going to Ootacamund on the Civil business as a great hardship and practically a bar to all redress.

18. The Coffee planting interest within the tract of Wynaad, over which it is proposed to extend the jurisdiction of the Principal Sudr Ameen of Ootacamund consists as per margin. These gentlemen are all tenants of the Nellamboor Tiroopaad from whom they hold their land. Messrs. Lascelles & Co. have held a lease of 1,000 acres at a rent of 1 Rupee per acre. Captain Godfrey holds a lease of 600 acres at a most trifling annual rent. The precise terms on which the Principal Sudr Ameen of Ootacamund holds his land, I am not yet aware of, but they are peculiarly favorable. It is easy to foresee that grave questions for Judicial decision are pending between the Proprietors and more than one of these Gentlemen, his tenants and the Malabar Courts are the right tribunals to explain the Law. It may not be out of place to add that the first steps in Coffee cultivation in Wynaad are deeply marked with the features of land jobbing, the bane of our Colonies.

Estates of the Principal Sudr Ameen of Ootacamund and his Partners.
Acres planted about 700, value at 100 Rs per acre...Rs. 70,000
Captain Godfrey planted 150 acres value. " 15,000
Messrs. Lascelles & Co. do. 200 " " " 20,000
Messers. Paul and Co. have commenced an Estate.

19. The Principal Sudr Ameen of Ootacamund has not advocated and would probably be unwilling to accept a jurisdiction that would leave him to try his own causes.

20. Mr. Lascelles resides at Ootacamund. His labor, and mercantile transactions most chiefly in Mysore and on the Coast. He has, or at all events, †will have less far to do with Ootacamund in a business point of view than with those places. It is possible that he as well as Captain Godfrey might think they will find it convenient to try their causes there, however inconvenient to their opponents, but as the transactions must be mainly on the Coast, which they visit more than once a year, I do not conceive that even their convenience would be consulted by the change. The venue of matters between them and their Jenmies should not be changed.

† The Estate is quite young.

21. The Manantody Moonsiff's Court is at a considerable distance from their Estates it is true and the Tellicherry Appellate Court still more distant. I would advocate some change of the present circumstance and would place south Wynaad under the Calicut Court, if we could afford another Moonsiff. In the mean time, Gentlemen settling suddenly in the back woods cannot expect Civil tribunals to spring up at their doors and these parties do not and have not as yet paid one farthing directly towards the necessities of the State, or the maintenance of any Civil or Judicial Establishment.

22. The advantages of the proposed transfer is, I conceive, even as regards them, doubtful. As regards the Native population and the parties really "most interested" it is earnestly to be deprecated.

23. An European Gentleman canters over his 20 to 30 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 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 these, willing or unwilling to maintain their rights and redress their wrongs.

24. 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 "won't 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 Umshom into another District, where our laws "and customs and our language are alike unknown and whither we cannot go, (*sankadom!*) grievance (*anyayom!*) injustice.

25. I trust the Government will refer the matter for further consideration to any of our Judges, &c. ere consenting to this transfer.

(Signed) W. ROBINSON,
*Acting Collector.*

P. S.—I beg you will kindly communicate the matter of this address to Mr. Roupell, Civil Judge of Coimbatore.

(True Copy.)

(Signed) W. ROBINSON,
*Acting Collector.*

True Extract
15/ Sept 56
Chief Secretary

Exd. F. Cartledge.



*Fort Saint George, Public Works Consultation of 28th April 1857.*

No. 30. Read the following Extract from the Minutes of Consultation in the Judicial Department, dated 27th February 1857, No. 216.

Read the following letters.

From GEORGE ELLIS, Esq., Register to the Court of Sudder Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 10th February 1857, No. 17.

SIR,

From the Civil Judge of Coimbatore, dated 31st July 1856, with enclosures
From Civil Judge of Tellicherry, dated 26th August 1856.
From the Collector of Malabar, dated 2nd October 1856.

I am directed by the Judges of the Court of Sudder Udalut to forward to be laid before the Right Honorable the Governor in Council, the accompanying copies of correspondence noted in the margin, on the subject of extending and better defining the limits to the jurisdiction of the Principal Sudder Ameen's Court at Ootacamund.

2. It will be observed that the jurisdiction formerly assigned to the District Moonsiff's Court at Ootacamund, which comprised only so much of the Hills as lie within the Coimbatore District, was transferred to the Principal Sudder Ameen's Court on its establishment, but the Civil Judge of Coimbatore now brings to notice the very limited extent of jurisdiction thus assigned for a Court exercising such extensive powers compared with the jurisdiction ordinarily assigned to a tribunal of that class, and points out the desirability of extending it to the entire area of the Hills to their base, including a portion of the Malabar District, and adds that this arrangement will prove beneficial to the European settlers on or about the Hills.

3. The Collector of Coimbatore is of opinion that the boundaries of the Principal Sudder Ameen's Court's jurisdiction on the Coimbatore side should extend to Kullar on the south side, Teppacaudoo on the north, the Hill foot or Danaickencottah on the east, and Nadoovuttum and Walaghaut on the west.

4. The Collector of Malabar coincides in opinion with the Civil Judge of Coimbatore that it would be very desirable to extend the jurisdiction of the Ootacamund Principal Sudder Ameen's Court over the whole area of the Hills and proposes that the boundary line should commence at Soondaputty making the Coimbatore and Malabar limit on the left bank of the Bowany river run due west to "Gullikul Hill," north east and north to "Tukumailaybetta," north west to "Moocoorty Peak," "Neilgherry Peak," and the "Carcoor Pass," on the ridge above Davalacottah, thence to the lower range, dividing Davalacottah and Nellyallum run north east to "Gulloor Hill," and thence due east to the angle near the Malabar and Mysore boundary including the stream running north and south into the Moyaar river.

5. The Civil Judge of Tellicherry and the Collector of Malabar are also of opinion that it would be highly advantageous and quite in consonance with the wishes of the Native residents to transfer to the jurisdiction of the Principal Sudder Ameen's Court at Ootacamund, the villages of Segoor, which are separated from Wynaad by a dense jungle of several miles extent; but the former Officer recommends that it should be left optional for parties to bring their actions either in the District Moonsiff's Court at Manantoddy or the Principal Sudder Ameen's Court at Ootacamund. He however points out an objection to the transfer of these villages, as Mr. Ouchterlony, the present Principal Sudder Ameen, is a landed proprietor and coffee planter in a part of the country which will then be transferred to the jurisdiction of his Court.

6. The Judges, I am desired to state fully concur with the Civil Judge of Coimbatore that the extension of the limits to the jurisdiction of the Principal Sudder Ameen's Court at Ootacamund is highly desirable, and had it not been for the objection stated by Mr. Chatfield, they would have recommended the limits pointed out by the Collectors of Malabar and Coimbatore. The Judges are of opinion that it would be very objectionable to give parties the option as proposed by Mr. Chatfield of suing in the Court either at Ootacamund or Wynaad. In that case one party might sue in the former and the other in the latter Court regarding the same matter.

7. The Judges would recommend that the eastern and southern boundaries as proposed by Mr. Thomas should be fixed, but that the names of the villages situated within these boundaries should be named by him. The boundaries of that part of the country now belonging to Malabar as stated by Mr. Clarke might be taken as far as "Moocoorty Peak," the line would thence continue to Nedoovuttum at the top of the Goodooloor Pass and thence to the east along the line of the Coimbatore District as laid down in the Maps of Coimbatore No. 6, in Pharoah's Gazetteer. This would include Segoor and Tippacaudoo and all the tract along the foot of the Hills bounded by the river Moyaar as far as Danaickencottah and between the latter and Soondaputty.

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From T. B. ROUPELL, Esq., Civil and Sessions Judge of Coimbatore; to GEORGE ELLIS, Esq., Register to the Court of Sudder and Foujdaree Udalut, dated 31st July 1856, No. 57.

SIR,

1. I have the honor to request you will lay before the Judges of the Court of Sudder and Foujdaree Udalut the accompanying copies of correspondence* bearing on the question of fixing more extended and well defined limits to the jurisdiction of the Principal Sudder Ameen's Court at Ootacamund.

* 1 Letter from the Principal Sudder of Ootacamud, dated 3rd April 1856, to the Civil Judge of Coimbatore.
1 From the Civil Judge to the Collector of Coimbatore, dated 10th April 1856.
1 From the Magistrate to the Civil Judge, dated 18th April 1856.
1 From the Civil Judge to the Collector of Coimbatore, dated 25th April 1856.
1 From the Collector to the Civil Judge, dated 1st May 1856.
1 From the Civil Judge to the Collector of Malabar, dated 18th June 1856.
1 From the Collector of Malabar to the Civil Judge, dated 22nd July 1856.

2. When originally suggesting the establishment of a Principal Sudder Ameen's Court at that Station, I contemplated that the limits to be assigned to it would include the entire area of the Hills to their base on every side. This extent is in itself very limited for a Court of such extensive powers compared with the jurisdiction ordinarily assigned to a tribunal of that class. But one important consideration which influenced the creation of the present Court was, I apprehend, to afford, to European settlers engaged in cultivation &c., on and about the Hills, the benefit of a Court of competent powers within a reasonable distance in preference to obliging parties having occasion to resort to the Courts, to proceed at great inconvenience to a remote station in the plains.

3. The Judges are aware that prior to the present Hill Court being established, there was a first class District Moonsiff located at Ootacamund, whose jurisdiction was very circumscribed, since it comprised only so much of the Hills as is within the Coimbatore District, and excluded entirely the western division situated in the Province of Malabar.

4. When that Court was abolished and the present Principal Sudder Ameen's Court was opened, I was absent on leave or I should have taken the precaution to solicit instructions as to more extended limits being assigned to the latter. The consequence of this point not being brought to notice led to the limits of the inferior Court being continued to the superior tribunal which I apprehend was under the circumstances an oversight merely requiring to be now brought to notice to receive modification. On receipt of Mr. Burgass' letter dated 3rd April 1856, I addressed the Collector of this Zillah and subsequently placed myself in communication with Mr. Clarke, the Collector of Malabar being desirous of having the benefit of their opinions as to the most desirable limits to be assigned as the Hill Court local jurisdiction in their respective Districts.

5. From the replies received from both these Officers it will be seen that they coincide in opinion with me that an extension of the Court's limits is highly desirable, and from the enclosure in Mr. Clarke's letter, it is satisfactory to observe that the European settlers with whom he communicated on the subject were unanimous in desiring to have their locations included within the limits of the newly established Court at Ootacamund in preference to being compelled to resort to the more distant Courts on the Coast.

6. I am not personally acquainted with the portion of country recommended by Mr. Clarke, to be attached to the Hill Court, but the Judges will be capable from their own local knowledge of forming an opinion of the expediency of adopting the line indicated.

7. In regard to the Coimbatore boundaries, I would merely add that they seem to include all that is requisite on this side the Hills, and I would therefore suggest their adoption should the





Judges approve of these proposition I would further recommend that the new limits assigned to the Principal Sudder Ameen's Court be published for general information in the Fort St. George Gazette in English, Malialum and Tamil with a view to enable all classes likely to be affected by the change being made acquainted with the fact.

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From R. BURGASS, Esq., Principal Sudder Ameen of Ootacamund; to T. B. ROUPELL, Esq., Civil Judge of Coimbatore, dated 3rd April 1856, No. 40.

SIR,

1. There being no document on the records of this Court defining the limits of the local jurisdiction of the same, I have the honor to request you will be so good as to furnish me with information tending to shew the extent of country subject to the jurisdiction of this Court, and the boundaries within which it is situated.

2. There exists on the records a table shewing the names of the villages subject to the jurisdiction of the late Moonsiff's Court, whose place has been taken by this Court, but it does not define where the local jurisdiction of this Court begins and where it terminates, and there is no written authority for holding the jurisdiction of the Court extend over the whole Talook of Ootacamund. At the same time I beg to bring to your notice that the parts of Hills within the Malabar Collectorate are not considered within the jurisdiction of this Court, although for obvious reasons it would be highly desirable that they should be so included.

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From T. B. ROUPELL, Esq., Civil and Sessions Judge of Coimbatore; to E. B. THOMAS, Esq., Collector and Magistrate of Coimbatore, dated 10th April 1856, No. 76.

SIR,

1. I have the honor to enclose the accompanying copy of a letter* from the Principal Sudder Ameen of Ootacamund, requesting to be informed as to the limits of this Court's jurisdiction.

* 3rd April 1856.

2. When recommending the Establishment of the present Court, I suggested that its jurisdiction should include the entire area of the Hills to their base. It seems to me that the limits of the Principal Sudder Ameen should be definitely marked out by certain well known natural boundaries, for instance the Coimbatore limits on the Mysore side, the Kallaar river on this side and so on. If you will favor me with your opinion on the most desirable boundaries I will submit the whole correspondence to the Sudder Court for their approval of what we may consider best.

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From E. B. THOMAS, Esq., Magistrate of Coimbatore; to T. B. ROUPELL, Esq., Session Judge of Coimbatore, dated 18th April 1856, No. 115.

SIR,

Adverting to your letter of the 10th Instant, No. 76, I have the honor to annex a Memo. showing the boundaries within which the jurisdiction of the Principal Sudder Ameen of Ootacamund may, I think, extend.

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Memo. of the boundaries within which the jurisdiction of the Principal Sudder Ameen of Ootacamund should extend.

Kullaar on the south side.
Tippacaudoo on the north side.
The Hill foot or Danaickencottah on the east side.
Nadovuttum and Walaghaut on the west side.

(Signed) E. B. THOMAS,
*Magistrate.*

From T. B. ROUPELL, Esq., Civil Judge of Coimbatore ; to E. B. THOMAS, Esq., Collector of Coimbatore, dated 25th April 1856, No. 83.

SIR,

1. I have the honor to acknowledge the receipt of your letter of the 18th Instant.

2. Adverting to the Memo. shewing the boundaries you propose for the jurisdiction of the Principal Sudder Ameen's Court on the Neilgherries, I would beg the favor of your informing me what villages you would thus place within those limits, at the base of the Hills, for the points indicated in your letter are far apart, and in fixing the Court's boundaries it seems quite necessary that the line should be distinctly laid down by villages and natural land marks ; should it be in your power to afford me these details, I shall be much obliged.

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From E. B. THOMAS, Esq., Collector of Coimbatore ; to T. B. ROUPELL, Esq., Civil Judge of Coimbatore, dated 1st May 1856, No. 132.

SIR,

In reply to your letter of the 25th Ultimo, No. 83, I am unable to afford you more distinct boundaries than those given in my letter of the 18th Idem, the points, indicated at your request, are prominent ones, and natural land marks ; a line drawn from Kullaar to Danaickencottah, for instance, would include all within it.

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From T. B. ROUPELL, Esq.; Civil Judge of Coimbatore ; to T. CLARKE, Esq., Collector of Malabar, dated 18th June 1856, No. 143.

SIR,

Being about to address the Court of Sudder Udalut, on the subject of extending and defining the limits of the Principal Sudder Ameen's Court's Jurisdiction on the Neilgherry Hills, I have the honor to solicit the favor of your opinion as to the boundary which should be fixed on the western side within your District.

2. When the Court was originally proposed by me, I strongly recommended that its jurisdiction should extend over the whole area of the Neilgherries including the slopes to their base ; the object being to afford to present and future settlers on and about the Hills the benefit of a local Court of competent jurisdiction in Civil as well as Criminal matters. At the time the Court was opened I was absent on leave, when the Principal Sudder Ameen was directed to assume the limits of the late District Moonsiff's Court of Ootacamund which do not extend beyond the portion of the Hills attached to Coimbatore and exclude a large portion which it would seem very desirable should be included within its boundary.

3. Under these circumstances I beg the favor of your opinion in regard to the boundary to be assigned on your side as I apprehend you would concur in opinion with me that the proposed extension is both desirable and in accordance with the object contemplated on the Establishment of a Court of such extensive powers as that of a Principal Sudder Ameen.

4. The accompanying letter was received from the Collector of Coimbatore on a similar reference being made to him toassign the boundaries on the Coimbatore side.

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From T. CLARKE, Esq., Collector of Malabar ; to T. B. ROUPELL, Esq., Civil Judge of Coimbatore, dated 22nd July 1856, No. 2142 A.

SIR,

I have the honor to acknowledge the receipt of your letter of the 10th Ultimo, No. 143.

Before replying to it, I was desirous of ascertaining the sentiments of the European settlers on the sides of the Neilgherries, on the subject of your proposal of placing them under the jurisdiction of the new Court established at Ootacamund.



*Fort Saint George, Public Works Consultation of 28th April 1857.*

From Mr. Lascelles, dated 2nd July 1856.
From Mr. Perrie. 1st July 1856.
From Captain Godfrey, 4th July 1856.

The replies † of these Gentlemen I now submit, it will be seen that they are unanimous in desiring to take their suits to the newly established Court at Ootacamund, in preference to bringing them before the Court at Tellicherry.

On the grounds of the strongly expressed preference to the Court at Ootacamand by the parties most interested, I agree with you in thinking that the jurisdiction of the Principal Sudder Ameen's Court at Ootacamund should extend over the whole area of the Neilgherries ; but I would submit whether parties in Wynaad or on this side the Coimbatore boundary should not be allowed the privilege of carrying their appeals to the Civil Court at Tellicherry.

The boundary line of the new Court, if extended to that part of the Neilgherry range which lies in this District would then, commencing at Soondaputty making the Coimbatore and Malabar limit on the left bank of the Bowany river, run due west to "Gullikul Hill," north east and north to "Tukumallaybetta," north west to "Moocoorty Peak," "Neilgherry Peak," and the "Carcoor Pass," on the ridge above Devalacottah thence to the lower range, dividing Devalacottah and Nellyallum run north east to "Gulloor Hill" and thence due east to the angle near the Malabar and Mysore boundary including the stream running north and south into the Moyaar river. Vide Arrow Smith's Atlas Section 61.

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From A. LASCELLES, Esq., to T. CLARKE, Esq., Collector of Malabar, dated Ootacamund, 2nd July 1856.

SIR,

I have the honor to acknowledge the receipt of your letter of 24th June, and in reply to inform you that I should much prefer being placed under the jurisdiction of the Ootacamund Court to being compelled to avail myself of that at Tellicherry nearly 80 miles off, and I believe that it will not only be more conducive to the ends of justice but also to the welfare and interest of all those to be included in the proposed arrangement.

If I might take the liberty of suggesting the results of my local knowledge and experience, I would name Eddamally, Captain Godfrey's plantation, Nardagany (the top of the Carcoor Pass) my own location near Davalla ; and the division between the Nelialum and Davalla District as the boundary of the jurisdiction of the Hill Court. This boundary is clearly defined and unmistakeable, it is the edge of the upper or Wynaad country for many miles and then a high range of hills constitutes the limits ; and this arrangement includes all the country within 32 miles of Ootacamund and comprises all the European settlement and all the lands likely to be taken up by Europeans. The persons against whom my suits are likely to be brought, are workmen and contractors resident on the Hills, so that the change would also benefit them as they would have greater facilities also for obtaining justice either as Plaintiffs or Defendants.

I trust you will excuse my taking the liberty of suggesting at the same time that the power and authority of Joint Magistrate at Ootacamund should extend to the same limits, as the jurisdiction of the Principal Sudder Ameen's Court.

Much inconvenience is felt at present from the nearest Magisterial authority (and that a Subordinate) being nearly 40 miles off with a bad road and several rivers, to cross between him and most of the settlers in this part of his division, and considerable delay must, frequently, ensue in important cases, from the necessity of his referring them to superior authority. This would be obviated by extending the jurisdiction of the Magistrates as well as the Principal Sudder Ameen's Court to the limits named by me which are natural boundaries incapable of being misunderstood.

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From Mr. JAMES PERRIE ; to T. CLARKE, Esq., Collector of Malabar, dated 1st July 1856.

SIR,

I am to-day in receipt of yours of the 24th June, I am not aware what benefit I may derive by having the privilege of a local Court at Ootacamud over Tellicherry, I do not expect to re-

quire the service of either parties much, I would much prefer Ootacamund to Tellicherry, the distance is material, 38 instead of 100 miles from Walghaut.

I am much obliged for your giving me the option of either.

From Captain T. H. GODFREY, Bombay Army; to T. CLARKE, Esq., Collector of Malabar, dated Ootacamund, 4th July 1856.

SIR,

In reply to your letter of the 24th of June, No. 1801, I have the honor to state that I am of opinion that it would certainly be an improvement on the present state of such matters to extend the Sudder Ameen's jurisdiction at least to the extent proposedfor the reason that attendance would be easier, as being so much nearer than Tellicherry, I do not know of any other advantage, but imagine it would be equally beneficial to both parties in a suit for the same reason only.

From R. W. CHATFIELD, Esq., Acting Civil Judge of Tellicherry; to G. ELLIS, Esq., Register to the Court of Sudder Udalut, dated 26th August 1856, No. 380.

SIR,

I have the honor to acknowledge receipt of your letter under date the 20th Instant, with copies of correspondence regarding the jurisdiction of the Principal Sudder Ameen of Ootacamund.

2. It has always been my opinion that the jurisdiction of the authorities at Ootacamund should extend over a portion of the Wynaud as far probably as Nelyatim and the Carcoor Pass with the Segoor villages, and I have no hesitation in recommending a proposition so desirable for all parties, leaving it optional for them to proceed either in the District Moonsiff's Court of Manantoddy or the Principal Sudder Ameen's Court of Ootacamund. That Segoor should be embraced within the Ootacamund jurisdiction is very desirable as the communication between that place and Manantoddy is circuitous and bad but easy and good to Ootacamund.

3. I have no Map by which the boundaries could be defined, but I think there is a tolerably well marked line between the Carcoor Pass and Mysore as proposed by Mr. Lascelles which would include all the coffee estates and Europeans who could profit by the transference. There is not much litigation amongst the Natives in that part of Wynaud, and they are not likely to come into collision with planters in matters of a civil nature, but since such a thing is possible and the real inhabitants of the country might object to having to resort to the Neilgherries, I think any objection is removed by allowing them option of the Moonsiff's Court of Manantoddy or Principal Sudder Ameen's Court of Ootacamund.

P. S.—The only objection I can conceive to the extended jurisdiction lies in Mr. Ouchterlony, the Principal Sudder Ameen, being a landed proprietor and coffee planter in a part of the country which will be thus placed under his Court.

From T. CLARKE, Esq., Collector of Malabar; to GEORGE ELLIS, Esq., Register to the Court of Sudder Udalut, dated Calicut, 2nd October 1856, No. 3006.

SIR,

In reply to your letter of the 20th August last, I have the honor to inform you, that from all that I have been able to glean in reference to Segoor, I am decidedly of opinion that it should be under the jurisdiction of the Sudder Ameen's Court at Ootacamund, and I am assured that the arrangement would be quite in consonance with the wishes of the Natives of the place.

From W. ROBINSON, Fsq., Acting Collector of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated Manantoddy, 10th February 1857, No. 18.

SIR,

From the Chief Secretary to Government, Judicial Department, dated 20th January 1857.

With reference to the Official Memo. which accompanied Mr. Walhouse's letter to my address, dated 27th Ultimo, I have the honor to forward, direct to you, a copy of a reply sent to that Officer that no inconvenience may arise from delay.





From W. ROBINSON, Esq., Acting Collector of Malabar; to M. J. WALHOUSE, Esq., Sub Collector in charge, Coimbatore, dated 9th February 1857, No. 351 A.

SIR,

Official Memorandum from the Chief Secretary to Government, Judicial Department, dated 20th January 1857.

In reply to your letter under date 27th Ultimo, No. 29, with enclosure, I have the honor to state, that I am not aware that any part of the District of Malabar falls within the jurisdiction of the Principal Sudder Ameen of Ootacamund, I therefore doubt whether the queries apply.

2. Of the highland plateau of the Neilgherry Hills, the koondahs, or that portion of Hills, south east of Makoorty Peak down to Soondaputty belongs, together with the slopes westward, to the Walloowanaad Talook of this District, and is within the jurisdiction of the Civil Court at Calicut. The slopes of this part of the Hill range are long and lead down directly into the low country of Malabar. They are covered with extensive and valuable Teak &c. forest, the properties of Malabar Jenmies or landed proprietors. The part of the plateau of the Hills north of Makoorty and Neilgherry Peaks and lying between Nedawattom and the Pycara river belongs to the Wynaad Talook and is within the jurisdiction of the Civil Court at Tellicherry. The slope of the Hill plateau in this part is short and abrupt and at once merges in the table land of Wynaad and Mysore.

3. The statistics of the Koondahs are shewn in the margin, the Revenue is paid in Malabar.

| | | |
|---|---|---|
| Population 543, Hindoos. | | |
| No. of Houses 139—Small. | | |
| No. of people paying Revenue to Government 137. | | |
| Amount of land Revenue, | Rs. | 355 |
| Ditto of Moturpha | | 75 |
| | | 430 |
| No. of people paying Revenue below 20 and above 10 Rs. | | 9 |
| Ditto below 10 Rupees | | 128 |

4. With reference to the queries, there is only one spot of cultivation of the description about which information is sought and this lies well down the Malabar side of the Koondah slope, viz.

Professor Owen's Walaghat Coffee Estate (Manager Mr. Perrie.) The Estate covers more or less about 600 acres of which 200 or 300 are in full bearing, the rest is young. It is by no means a prime Estate and may be valued at 50 to 75 Rupees per acre, say at Rupees 30,000 to 40,000. This part of the country is not at this moment considered so highly suitable to Coffee as other parts and will be settled very gradually if at all.

5. There is no land occupied for agricultural purposes, nor is there any likelihood of an early demand for any place on the portion of the Hill plateau between Nedawattom and Pycara, nor on the very abrupt slopes into Wynaad. The Coffee cultivation which now exists is on the bank &c. of the Pandy river in the Nambollakode Umshom of the Wynaad Talook and is carried on by European tenants of Malabar (Jenmies) Proprietors and the land on which it is carried on is no more a part of the Hill plateau than any other part of Wynaad and has no communication or connexion with Ootacamund, save in so far as some of these tenants, 2 or 3 in number may be residents at Ootacamund, for their own convenience.

6. The reference now under acknowledgment has brought under my notice Mr. Roupell's letter to Mr. Clarke, under date 10th June 1856, No. 113, proposing an extension of the jurisdiction of the Court of the Principal Sudder Ameen of Ootacamund over that portion of Malabar on the sides of the Neilgherries where European settlers are engaged in Coffee cultivation, and Mr. Clarke's reply dated 22nd July acquiescing in the proposal on the ground that three

* Messrs Lascelles and Godfrey of Wynaad, Mr. Perrie, of Walghat Koondah.

* European settlers "are unanimous in desiring to take their suits to the newly established Court at Ootacamund in preference to bringing them before the Court of Tellicherry and on the strength of this strongly expressed preference of the parties most interested" the boundary line of the new Court's

traced so as to transfer to the Ootacamund Court not only the§ Koondas, but the greater part of the Nambollacode Umshom of the ¶ Wynaad Talook.

§ At Soondaputty, making the Coimbatore and Malabar limit on the left bank of the Bowany river, run due west to "Gullikul Hill" north east, and north to "Tukumally Betta," north west to "Moocoorty Peak."

¶ "Neilgherry Peak" the Carcoor Pass on to the ridge above Devalacottah, thence to the lower range, dividing Devalacottah and Nellyalum, run north east to Gulloor Hill and thence due east to the angle near the Malabar and Mysore boundary including the stream running north and South into the Moyaar river. Vide Arrow Smith's Atlas Section 61.

N. B. The line has apparently been traced on a mere view of Arrow Smith's Map alluded to, for nothing can be more arbitrary than the line traced along the Moorpen Moody range in some parts taking in bits of the Nellyalum Umshom leaving out other portion of the Nambolakod Umshom. The line would not bring Mr. Lascelles' estates within the jurisdiction of Ootacamund, which no doubt he sought.

7. Now I must, with deference, remark that the correspondence does not place Government in possession of any of the circumstances which it would no doubt wish should be weighed, with reference to so important a transfer and I must add 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 Jenmies 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.

8. Malabar is a proprietory 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. This fact is to be traced to the circumstance of our acquisition of the country. When the first war with Tippoo was imminent in 1791, the Hindoo Chiefs of Malabar, known to be ill-affected towards the Mysore rule were invited under a variety of assurance, by Proclamation of the Governor General, to aid the British arms by universal revolt and to a man they responded. At the peace of 1792, the cession of the Province was stipulated for and the fee simple territories of the Malabar Chiefs were thus transferred to the Company's rule.

9. The Malabar Chiefs at first claimed to be treated under the terms of the Proclamation, as tributaries and not as a conquered Province. This position was summarily over-ruled, but proprietory title in the land was never questioned and a settlement on Zemindary principle was commenced with the different Jenmies or proprietors. The settlement broke down very shortly through the mismanagement of the Chiefs and the Government undertook the administration of the Revenue and Police of the country on Ryotwary and general principles, but the Chiefs and Jenmies, were treated as Poligars, one fifth share of the Revenue of the Jenm proprietors were granted, and then and ever since the fee simple title of the Malabar Chiefs and other Jenmies of Malabar, in their respective properties of all descriptions and of whatever extent, were and have been, acknowledged and respected. Hence it is that private individuals hold great extent of forest and waste land, which in other Districts would be assumed as Government property.

10. There can be 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.

11. 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 to whom it would be a most grievous hardship to be obliged to proceed to Ootacamund under every disadvantage for the convenience of a few recently settled European tenant planters.

12. Had these parties been consulted, the result of the proposal would have been different. Most of the Jenmies 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 Mopla Cooly resorts with reluctance. They would find great difficulty in inducing even an Agent or Vakeel to proceed thither. There is probably scarcely a Malyalum speaking man at Ootacamund at this moment, certainly not one of respectability.



13. Again the local laws, usages and customs of the Malyalum people, both as regards their domestic relations, (Maroo makatayom) 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 faimiliar 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 Malyalum Vakeels are not to be met with. No conditions more favorable to the conduct of collusive and exparte suits, can be imagined.

14. With regard to the transfer of Civil or Fiscal jurisdiction of the Koondahs, I see some objections and possibly some advantages which I think it might be well to consider carefully. The question was ably discussed 20 years ago and deliberately disallowed, I believe, by Government, but it might again be brought under consideration. In the mean time there can arise no single advantage from a hurried decision. The ground on which the transfer is urged by the European settlers and agriculturists is that of their convenience, it is therefore pertinent to remark that there is not a single individual of this description on the Koondahs properly so called, nor has any application for land for agricultural purposes been made, or is likely to be made soon. When this new demand for Civil justice springs up, it may be supplied. The statistics of the Koondahs are given in para. 3.

15. As regards the convenience of the § Manager of Professor Owen's Estate which is on the slopes of the Koondahs, I assert without fear of contradiction that although the health or pleasures of a Manager may lead him to Ootacamund, the convenience and concerns of the Estates are best served by a continuation of the present condition of things. Business, rarely if ever can take him there. His labor, his transport, his supplies, his communication, correspondence are all from the low country of Malabar. Such contracts &c. as he may be a party to, are with inhabitants of Malabar. The Estate is half way down the Sisparah Ghaut and well into Malabar. He is within 25 miles of the Talook Cutcherry and Moonsiff's Court if he needs Criminal or Civil Law. He is nearer in actual distance to Calicut† than to Ootacamund and that road lies in the direction of his businees, the Ootacamund road, the reverse. The crops of the Estate are shipped at Calicut, all the money and mercantile transactions of the Manager, are carried on, on the Coast with Ootacamund, he can have little to do, and least in a legal way. If Mr. Perrie has a grievance, he has not forsooth judged wisely of the remedy it needs. I doubt not that his principal would rather leave well alone.

§ Mr. Perrie's name I find as one of the "most interested parties" who desires to take his suits to Ootacamund.

N. B. 40 at least up Hill from Ootacamund.

† Calicut is easily reached in 18 hours from the Estate, and full half of the journey is performed by water. The whole route, except about 12 miles, is through open, fully peopled and supplied country with the "Dalhousie" road leading to the foot of the Ghaut within 6 miles of the Estate.

16. With regard to the portion of Wynaad proposed to be transferred, I beg to submit the following information.

The Umshom of which the statistics are shewn marginally, formed a part of the extensive properties of the Nambalcottah Varnaver, a chief of great influence and power during the time of Native rule and excepting so far as portions of it, have from time to time been alienated by him and become the prescriptive property of the inhabitants of the petty principality, the whole is and ever has been the Jenm property of a Malyalum proprietor. The family has broken down and the property, as far as it remained in the hand of the late representative, is now transferred to the Tiroopaad of Nellemboor. Should the family become extinct, the Government may bring forward a claim as an escheat. Within this Umshom there are not less than 40 or 50 inhabitants, who are likewise proprietors on a greater or less scale, and several of the Temples have fee simple properties of no insignificant extent. The fact that there are payers of Revenue is significant of the extent of Native litigation &c. which finds redress now where they most prefer it.

Extent about 150 square miles
Village or Tarra. .....5
Population (Native)....3,816
Revenue, Rupees .....1,200
No. of Payers. .....99

17. 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 not look upon the necessity of going to Ootacamund on the Civil business as a great hardship and practically a bar to all redress.

18. The Coffee planting interest within the tract of Wynaad, over which it is proposed to extend the jurisdiction of the Principal Sudder Ameen of Ootacamund consists as per margin. These gentleman are all tenants of the Nellamboor Tiroopaad from whom they hold their land. Messrs. Lascelles & Co. have held a lease of 1,000 acres at a rent of 1 Rupee per acre. Captain Godfrey holds a lease of 600 acres at a most trifling annual rent. The precise terms on which the Principal Sudder Ameen of Ootacamund holds his land, I am not yet aware of, but they are peculiarly favorable. It is easy to foresee that grave questions for Judicial decision are pending between the Proprietors and more than one of these Gentlemen his tenants, and the Malabar Courts are the right tribunals to explain the Law. It may not be out of place to add that the first steps in Coffee cultivation in Wynaad are deeply marked with the features of land jobbing, the bane of our Colonies.

Estates of the Principal Sudder Ameen of Ootacamund and his Partners.

| | |
|---|---|
| Acres planted about 700, value at 100 Rs per acre.. | Rs. 70,000 |
| Captain Godfrey planted 150 acres value. | ,, 15,000 |
| Messrs. Lascelles & Co. do. 200 ,, ,, | ,, 20,000 |
| Messrs. Paul and Co. have commenced an Estate. | |

19. The Principal Sudder Ameen of Ootacamund has not advocated and would probably be unwilling to accept a jurisdiction that would leave him to try his own causes.

20. Mr. Lascelles resides at Ootacamund. His labor, and mercantile transactions most chiefly in Mysore and on the Coast. He has, or at all events, ‡will have less far to do with Ootacamund in a business point of view than with those places. It is possible that he as well as Captain Godfrey might think they will find it convenient to try their causes there, however inconvenient to their opponents, but as the transactions must be mainly on the Coast, which they visit more than once a year, I do not conceive that even their convenience would be consulted by the change. The venue of matters between them and their Jenmies should not be changed.

‡ The Estate is quite young.

21. The Manantody Moonsiff's Court is at a considerable distance from their Estates it is true and the Tellicherry Appellate Court still more distant. I would advocate some change of the present circumstance and would place south Wynaad under the Calicut Court, if we could afford another Moonsiff. In the meantime, Gentlemen settling suddenly in the back woods cannot expect Civil tribunals to spring up at their doors and these parties do not and have not as yet paid one farthing directly towards the necessities of the State, or the maintenance of any Civil or Judicial Establishment.

22. The advantages of the proposed transfer are, I conceive, even as regards them, doubtful. As regards the Native population and the parties really "most interested" it is earnestly to be deprecated.

23. An European Gentleman canters over his 20 to 30 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 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 these, willing or unwilling to maintain their rights and redress their wrongs.

24. 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 "won't 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 Umshom into another District, where our laws "and customs and our language are alike unknown and whither we cannot go, (*sankadom!*) grie-"vance (*anyayom!*) injustice.





25. I trust the Government will refer the matter for further consideration to any of our Judges, &c. ere consenting to this transfer.

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P. S.—I beg you will kindly communicate the matter of this address to Mr. Roupell, Civil Judge of Coimbatore.

(True Copies.)

(Signed) T. PYCROFT,
*Chief Secretary.*

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1. The Court of Sudder Udalut submit copies of correspondence on the subject of extending and better defining the limits to the jurisdiction of the principal Sudder Ameen's Court at Ootacamund, and suggest the boundaries which in their view should be adopted.

2. The Right Honorable the Governor in Council observes that, in his letter to the Sudder Udalut, 6th April 1854, the Civil Judge of Coimbatore recommended the establishment of a Principal Sudder Ameen's Court at Ootacamund "to embrace the present jurisdiction of the Moonsiff's Court, *that is, the entire area (including the slopes) of the Hills.*" The Officer Commanding the Neilgheries had previously been vested with the Office of District Moonsiff as well as with that of Joint Magistrate, and his jurisdiction in that latter capacity does extend over the whole Hills, that part of them which is in Malabar as well as that in the Coimbatore District.

3. The Government recommended to the Government of India the establishment of a Principal Sudder Ameen's Court at Ootacamund with an extent of jurisdiction such as the Civil Judge had represented to belong to the Court of the then District Moonsiff.

24th August 1854.

4. The Notification for the establishment of the Court announced that it would exercise jurisdiction over "the local limits of the present District Moonsiff of Ootacamund," which the Zillah Judge had previously stated to be the entire area of the Hills including their slopes.

5. It now seems that the jurisdiction of the present Court as of that which it replaced includes only so much of the Neilgherry Plateau as is within the Coimbatore District and it is proposed to bring the whole of the Hills to their base with some parts of the low country under its jurisdiction.

6. Mr. Clarke, the Collector of Malabar, has advised that the boundary of the Court's jurisdiction as respects his District be so drawn that, commencing at Soondaputty, which makes the Coimbatore and Malabar limit on the left bank of the Bhowanie river, and passing by Gulikul Hill to Tookumallaybetta and Mookoorty and Neilgherry Peaks, it should thence extend to the lower range of Hills dividing Devalacottah and Nellyallum river, North East to Gulloor Hill, and thence due East to the angle near the Malabar and Mysore boundary, including the stream running North and South into the Moyaar river. The Court of Sudder Udalut would have supported this recommendation were it not that by its adoption the Coffee Estates of Mr. Ouchterlony, the present Principal Sudder Ameen of Ootacamund, would thus be brought within the jurisdiction of his own Court. They therefore suggest that from Mookoorty Peak the line continue, on

the summit of the Hills apparently, to Neddoonettum at the top of the Goodaloor pass, and thence to the East along the line of the Coimbatore District, as laid down in the Maps of Coimbatore, which would include Segoor and Tippacadoo and all the tract along the foot of the Hills bounded by the river Moyaar as far as Danaikencottah and between the latter and Soondaputty.

7. Subsequently to the receipt of the letter from the Sudder Udalut, the Government have received from Mr. Robinson, the present Acting Collector of Malabar, the copy of a communication which he had addressed to the Collector of Coimbatore, from which it appears that he wholly dissents from the views of Mr. Clarke and strongly deprecates the proposed extension of jurisdiction at least as respects the slopes of the Hills, and especially that part of the Wynaad Talook under the Hills which would be affected by the arrangement.

8. It is to be noted that the line proposed by the Sudder from Mookoorty to Neddoonettum would apparently exclude those parts of Wynaad, the transfer of which has been opposed by Mr. Robinson. The Government, however, resolve to forward his letter to the Court and to request them, after communication with him and with the Judges of Calicut and Tellicherry, to state whether the line as they have drawn it from Soondaputty to Goodaloor would be free from the objections which he has advanced.

9. With respect to the Coimbatore District, the line, it is remarked, is to include Segoor and Tippacadoo and to follow the course of the Moyaar to Danaikencottah and thence to Soondaputty. The Governor in Council would wish to know what number of villages and, as far as an approximate estimate can be framed, what amount of population below the Hills would thus be subject to the Ootacamund Court. He would also wish to know what are the present assumed boundaries of the portion of the Coimbatore District which is under the Court.

10. The Government would also desire to have a Map showing the Hils and those parts of Coimbatore and Malabar immediately subjacent and alluded to in the present correspondence, the present jurisdiction of the Principal Sudder Ameen and the range of country which would be placed under him, supposing the several arrangements, recommended by the Sudder and by the other Officers respectively, to be carried out, the edge of the table land being clearly defined and the sites of the principal villages and Coffee estates indicated. The District Engineer of Coimbatore will be requested in the Department Public Works to prepare such a Map, in communication with the Judges of Coimbatore and Tellicherry and the Collectors of Coimbatore and Malabar.

(True Extract.)

(Signed) T. PYCROFT.

*Chief Secretary.*

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No. 31. ORDER THEREON, No. 760; dated 23rd April 1857.

Ordered to be communicated to the Chief Engineer, with a request that he will direct the District Engineer of Coimbatore to prepare the Map referred to in para 10 of the Extract Minutes Consultation above recorded in communication with the Judicial and Revenue authorities therein alluded to.

(Signed) H. FORBES,

*Acting Secretary to Government.*



JUDICIAL DEPARTMENT.

No. 246.

*Extract from the Minutes of Consultation under date the 27th February* 1857.

Read the following Papers.

From the Register to the Court of Sudr Udalut.

Submitting copies of correspondence on the subject of extending and better defining the limits to the jurisdiction of the Principal Sudr Ameen's Court at Ootacamund. } (Here enter 10th February 1857, No. 17.)

From the Acting Collector of Malabar.

Submits copy of a reply sent to Mr. Walhouse, regarding the jurisdiction of the Principal Sudr Ameen's Court at Ootacamund. } (Here enter 10th February 1857, No. 18.)

1. The Court of Sudr Udalut submit copies of correspondence on the subject of extending and better defining the limits to the jurisdiction of the Principal Sudr Ameen's Court at Ootacamund, and suggest the boundaries which in their view should be adopted.

2. The Right Honorable the Governor in Council observes that, in his letter to the Sudr Udalut, 6th April 1854, the Civil Judge of Coimbatore recommended the establishment of a Principal Sudr Ameen's Court at Ootacamund "to embrace the present jurisdiction of the Moonsiff's Court, *that is, the entire area (including the slopes) of the Hills.*" The Officer Commanding the Neilgherries had previously been vested with the Office of District Moonsiff as well as with that of Joint Magistrate, and his jurisdiction in that latter capacity does extend over the whole Hills, that part of them which is in Malabar as well as that in the Coimbatore District.

3. The Government recommended to the Government of India the establishment of a
24th August 1854. Principal Sudr Ameen's Court at Ootacamund with an extent of jurisdiction such as the Civil Judge had represented to belong to the Court of the then District Moonsiff.

4. The Notification for the establishment of the Court announced that it would exercise jurisdiction over "the local limits of the present District Moonsiff of Ootacamund," which the Zillah Judge had previously stated to be the entire area of the Hills including their slopes.

5. It now seems that the jurisdiction of the present Court as of that which it replaced includes only so much of the Neilgherry Plateau as is within the Coimbatore District and it is proposed to bring the whole of the Hills to their base with some parts of the low country under its jurisdiction.

6. Mr. Clarke, the Collector of Malabar, has advised that the boundary of the Court's jurisdiction as respects his District be so drawn that, commencing at Soondaputty, which makes the Coimbatore and Malabar limit on the left bank of the Bhowanie river, and passing by Gullikul Hill to Tookumallaybetta and Mookoorty and Neilgherry Peaks, it should thence extend to the lower range of Hills dividing Devalacottah and Nellyallum river, North East to Gulloor Hill, and thence due East to the angle near the Malabar and Mysore boundary, including the stream running North and South into the Moyaar river. The Court of Sudr Udalut would have supported this recommendation were it not that by its adoption the Coffee Estates of Mr. Ouchterlony, the present Principal Sudr Ameen of Ootacamund, would thus be brought within the jurisdiction of his own Court. They therefore suggest that from Mookoorty Peak the line continue, on the summit of the Hills apparently, to Neddoonettum at the top of the Goodaloor pass, and thence to the East along the line of the Coimbatore District, as laid down in the Maps of Coimbatore, which would include Segoor and Tippacadoo and all the tract along the foot of the Hills bounded by the river Moyaar as far as Danaikencottah and between the latter and Soondaputty.

7. Subsequently to the receipt of the letter from the Sudr Udalut, the Government have received from Mr. Robinson, the present Acting Collector of Malabar, the copy of a communication which he had addressed to the Collector of Coimbatore, from which it appears that he wholly dissents from the views of Mr. Clarke and strongly deprecates the proposed extension of jurisdiction at least as respects the slopes of the Hills, and especially that part of the Wynaad Talook under the Hills which would be affected by the arrangement.

8. It is to be noted that the line proposed by the Sudr from Mookoorty to Neddoonettum would apparently exclude those parts of Wynaad, the transfer of which has been opposed by Mr.

Robinson. The Government, however, resolve to forward his letter to the Court and to request them, after communication with him and with the Judges of Calicut and Tellicherry, to state whether the line as they have drawn it from Soondaputty to Goodaloor would be free from the objections which he has advanced.

9. With respect to the Coimbatore District, the line, it is remarked, is to include Segoor and Tippacadoo and to follow the course of the Moyaar to Danaikencottah and thence to Soondaputty. The Governor in Council would wish to know what number of villages and, as far as an approximate estimate can be framed, what amount of population below the Hills would thus be subject to the Ootacamund Court. He would also wish to know what are the present assumed boundaries of that portion of the Coimbatore District which is under the Court.

10. The Government would also desire to have a Map showing the Hills and those parts of Coimbatore and Malabar immediately subjacent and alluded to in the present correspondence, the present jurisdiction of the Principal Sudr Ameen and the range of country which would be placed under him, supposing the several arrangements, recommended by the Sudr and by the other Officers respectively, to be carried out, the edge of the table land being clearly defined and the sites of the principal villages and Coffee estates indicated. The District Engineer of Coimbatore will be requested in the Department Public Works to prepare such a Map, in communication with the Judges of Coimbatore and Tellicherry and the Collectors of Coimbatore and Malabar.

(True Extract.)

*Chief Secretary.*

To the Judges of the Court of Sudder Udalut.
" Department Public Works. *with copy of the correspondence*
" Acting Collector of Malabar,
" Collector of Coimbatore.

Exd. F, Cartledge.

Cons Sec.ry's Aug.t 54 No. 10412

No 30 & 31.

Public Works 1857 Dep.t
Dt. to Cons 28th April
No. 540

Extract from the Mins: of Consultation in the Judicial Dep.t

Dated 27th Feby
Received 18th March } 1857

1 Enclosure
No. 240

Passing orders on the subject of extending, and better-defining, the limits to the jurisdiction of the Principal Sudr Ameen's Court at Cocanada.

With one Order
No. 760 — 23 April

No. 760

Ordered to be communicated to the Chief Engineer — with a request that he will direct the District Engineer of Coimbatore to prepare the Map referred to in para 10 of the Ex. Mins: Cons: above recorded in communication with the Judicial and — Revenue authorities therein alluded to.

Fort St. George
23 April 1857

Copies to the Chief Engr. Dist 24