M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 775 — Press Mis.

41—48

Dated 14—5—1860.

Not to be folded or roughly handled

30-8-23

Proceedings of the Madras Government, Revenue Department, for the month of May 1860.

Read the following Papers :—

No. 41. Petition from the Zamorin of Calicut, to the Right Honorable Sir CHARLES TREVELYAN, K. C. B., Governor in Council, Fort St. George, dated Calicut, February 1860.

That the Zamorin, as your Lordship may be aware of, belongs to the ancient Royal Dynasty of Calicut well known in History and is to this day revered throughout Malabar. Having once owned allegiance to the British Government, he has ever most scrupulously adhered to it.

Even after the assumption of the Kingdom by the British Government, they were proverbially and practically used to the respects, immunities and privileges held by families (such as that of the Memorialist) as the ancient Sovereigns of the soil.

If a deviation from such course were allowed in case of your Memorialist unremedied, it will be a matter of the greatest grievance to him.

In the present case your Memorialist having no remedy but from the hands of your Excellency, he earnestly solicits to approach you with this humble Memorial.

The peculiar usage of the Malabar regulates the expressions to be used by the several classes, with reference to the Royal Families of the locality. This is irrespective of religion, caste, &c.

The usage is not only strictly adhered to in social intercourses, but also repeatedly upheld by all the authorities as will be evident from the enclosures marked A, B, C, and D.

The people, however, taking advantage of the tardy and cumbersome remedy at Law to redress the infringement of every privilege trespass beyond their limit. When such an infringement is made in an individual capacity, Memorialist can safely let it remain unnoticed. But on the other hand when it is made in papers having the guise of the official communications, your Memorialist has no other course left to him but seeking remedy officially.

When the privileges were once infringed in judicial pleadings, your Memorialist's late uncle complained to the Court of Sadr Adálat who were then pleased to direct the strict adherence of the local practice (*vide* Proceedings of the Sadr Adálat, dated 1st July and 12th* September 1853), and as regards the Judicial process (*vide* Order of the Zilla Court of Calicut, dated† 16th February 1842.)

* *Enclosures marked A. & B.*

† *Marked C.*

While the practice is so rigidly observed, a Tahsíldár had infringed the said privilege in official communication and declared, when asked, whether it had occurred through inadvertance or not, to be voluntary.

Memorialist's late predecessor thereupon not having obtained remedy from his (Tahsíldár's) immediate superior, instituted a suit against him for the recovery of personal damages. In the original trial the Civil Court of Calicut upholding the usage of Malabar, saddled Defendant with the costs of the suit and warned him against the repetition of the same, but dismissed the amount sued as personal damages.

Memorialist's late uncle was contented with the said Decree of the Civil Court; but on the Government appealed on his behalf and in support of the other party, the Court of Sadr Adálat without denying all the facts of the case non-suited the Plaintiff on the ground that the action is not maintainable for such infringements whatever it be the consequence thereof to Memorialist's late uncle. The copy of the Decree of the Civil Court is marked D. and that of the Sadr Adálat E.

The only course now left to your Memorialist is to institute an Appeal to Her Majesty in Privy Council, if Her Majesty pleases to admit the same. Before adopting such measure, your Memorialist seeks remedy from your Excellency's hands to avoid the necessity for the other course.

Your Memorialist humbly submits that it is not consistent with equity or with the principle or policy of the British Government to degrade the ancient Sovereigns of the country in the eye and estimation of the people.

In the present case when the act of Amboo Tahsíldár was judicially complained by Memorialist, the Government, have at once undertaken the management of the suit thoroughly to the great prejudice of Memorialist.

It is apparent that the act forms no part of the administration of Tahsíldár's duty, inasmuch as the expression of the respectable language used in official record would not interfere with the discharge of his public business.

While so, the interference of the Government in support of the individual act of their servant of inferior grade to the great degradation of an allied ancient Monarch of the soil, your Memorialist humbly submits, amounts to insisting that he should patiently submit to the insolence of a man so far below him in position, because of his belonging to the Public Service.

The Memorialist has firm belief that had it not been for the interference of the Government, the case would have been at once amicably settled and the dignity and honor of your Memorialist would have been preserved without costs of the neither side, and the refusal of the interference of the Government would have discouraged the other Officials from following the foot-steps of the present Defendant.

What the Memorialist asks from your Excellency's hand is not a novel one. It is ordained by the late Principal Collector of Malabar by his Order, dated 3rd February* 1824, and unexceptionately accepted and followed up to the present. As the expressions of Her Gracious Majesty's Proclamation in the assumption of the direct Government of India, promising every respect and honor due to Native Sovereigns of India will be in the fresh memory of your Excellency, your Memorialist does not dwell any longer on that point.

* *Enclosure marked F.*

Your Memorialist with utmost confidence at your Excellency's gracious devotion in the improvement of India and respecting its ancient nobilities, humbly solicits that your Excellency may be pleased to issue strict orders to the local authorities that the Officials, of every description, of Malabar should strictly adhere to the usages of the District in interfering with the Zamorin's family, and warning them that a violation of such rule would cause the displeasure of the Government and proclaiming the withdrawal of the interference of the Government in support of such acts. For which act of justice, your Memorialist shall as in duty bound, ever pray.

No. 42. Memorandum by P. GRANT, Esq., Collector of Malabar, *Explanatory of the use in Malabar of the Titles, "Rájá" or "King" and "Tambirán," or My Lord and Possessor, or My Divine Disposer.*

1. In order to elucidate the matter thoroughly, it will be necessary to write somewhat at length.

2. In Malabar there are four (4) great distinctive castes amongst the Hindoos, viz., Bráhmans, Náyars, Tíyyars or Chernurs, (slaves.)

3. The Zamorin Rájá is, I think, descended from the Shepherd caste.

4. The Bráhmans and Náyars consider themselves so far superior to the Tíyyars and Chernurs, that to approach within twenty-six paces of the former and sixty paces of the latter is looked on as a misfortune, causing pollution.

5. With the exception of the Bráhmans who address the Zamorin as "Rájá," all other castes talk of and address him as the Calicut Tambirán.

6. A Chernur addresses a Tíyyar by the title Chôván, and a Tíyyar in the ordinary course of daily life salutes the Náyar as Tambirán, but the title is never used by a man of high caste to an inferior caste man, so that the use of the term by any one implies that the addresser is of lower caste than the individual addressed.

7. The social import of the term Tambirán is thus apparent.

8. With regard to the use of the title Rájá, it is doubtless more honorific than Tambirán, and is always used in official correspondence addressed to Europeans by Rájás and *vice versâ*, the adoption by them of the term Tambirán would be incorrect and not in consonance with the feelings of the people.

9. From what I have been able to gather, I find that the use of the titles "Rájá" and "Tambirán" in official correspondence between Native Officers and the Agents of Rájás, has been somewhat arbitrary and depended a good deal on the feelings of the Government Officers and the Rájás towards each other. It was not until the case out of which the present suit arose, happened, that the question ever came to issue.

10. My predecessor Mr. Robinson, Inspector General of Mofussil Police, and his predecessor Mr. Clarke, now Member of the Revenue Broad, were both of opinion that the question was altogether a caste one, and on this ground they recommended its defence at the public cost. I confess my own sentiments are in accordance with the expressed opinion of these two gentlemen.

11. The point is of much importance in these times, when from the system of periodical examinations pursued, so many men of the lower castes are getting into the Public Service and rising to distinction. I cannot help thinking that they would feel galled if compelled to use the title Tambirán; for instance, the Police Amín of Calicut, if a Bráhman (as was the case with the immediate predecessor of the Tahsíldár against whom the suit now under reference was brought), would use the title Rájá, whereas his superior the Tahsíldár, if a Tíyyar and writing on the same case referred to him by the Collector for his opinion, would have to use the term Tambirán solely because he was of a lower caste.

12. It is this very circumstance of implied servility which brings so much acrimony into the question: the lower classes boast that they have a Government which sinks all caste and religious differences, and places its subjects on the same level.

13. There can be little doubt that the declared official adoption of the title Tambirán would cause considerable irritation of feeling amongst the large and rising class of Tíyyars and Moplah officials; the Chernurs are too low in the social scale to notice it, unless worked on by others, but they might be made tools of.

No. 43. MINUTE BY THE HONORABLE THE PRESIDENT.

1. I circulate a Memorial with enclosures from the Zamorin of Calicut which I received during my recent tour.

2. The Zamorin, who is well known as the first Indian Prince who was brought into connection with Europeans after the discovery of the passage round the Cape of Good Hope, is now a wealthy mediatized Prince living under our protection.

3. It is admitted, on all hands, that, according to the social usages of Malabar, he ought to be addressed as Tambirán (Zamorin) by all except Brahmins, who call him Rájá.

4. The Tahsíldár of Calicut, who is not a Brahmin, however, designated the Zamorin as Rájá only, in a letter to His Highness' Manager; and, when invited by the Zamorin to say the omission was an inadvertence, he declined doing so; upon which His Highness sued him for damages in the Civil Court. The Judge would give no damages, not considering the omission of the title as "absolutely injurious" to the Zamorin; but he, at the same time, saddled the Tahsíldár with costs, on the ground that he had wilfully and deliberately, and under color of his official position, insulted His Highness' feelings by his infringement of local usage.

5. Upon this the Government Pleader was directed to prosecute an Appeal on the ground that to submit to such a decree would be an undue recognition of the claims of caste. The case came on for hearing on the 2nd July last, when the Sadr Adálat reversed the original decree, with the following observations: "The mere circumstance that the act of one person is "hurtful to the feelings of another gives no right of action; and the use of terms of address, "however contrary to usage, does not, in their opinion, amount to a breach of privilege calling "for remedy by a Judicial tribunal." The Zamorin, in his turn, has now instituted an Appeal to Her Majesty in Council; but, previously to prosecuting it, he seeks a remedy at our hands.

6. The case appears to me to be a very plain one. It is not denied that the Zamorin is entitled to the address by usage. The question is one of social etiquette. The Government ought not to encourage its subordinates to invade established etiquette. If they are not prohi-

bited from doing so, they should, at any rate, not be upheld and supported if they take that course. They should, at least, indulge their taste or conscience in such matters, at their own risk and cost. A Clerk in the Tithes Office (however bigoted a Dissenter) would not be allowed to leave out the words "Right Reverend" or "My Lord" in addressing the Bishop of London in writing; nor would the republican convictions of a Receiver of Crown Rents in the County of Nottingham excuse him from using all usual terms in addressing one of the Dukes. I do not stand alone in this view, for the following remark by Mr. Elliot appears in a letter to the Board of Revenue, dated the 15th of August 1856: "The question seems to be merely one of etiquette. "If the right of the Zamorin family to the title Tambirán is so notorious as represented in the "Petitions, the Tahsíldár should undoubtedly have given it to them."

7. The support given by the Government to the Tahsíldár encouraged the Police Amin of Calicut to show the same disrespect to the Zamorin, and the result has been a similar series of suits.

8. I, therefore, propose that the Collector and Chief Magistrate of Malabar should be instructed to inform these Native Officers that Government cannot support them in withholding from the Zamorin the usual marks of respect, and that, if any further legal proceedings take place, they must be at their own cost.

Gindi Park, 16*th April* 1860. (Signed) C. E. TREVELYAN.

No. 44. MINUTE BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF.

I agree in the view the President has taken of this matter.

16*th April* 1860. (Signed) P. GRANT.

No. 45. MINUTE BY THE HONORABLE E. MALTBY.

1. I quite agree that all due honor should be paid by public servants to the Princes of the land, but I conceive that this should be done in official correspondence and on official occasions by the use of such terms as can be used by the entire community. Honor is thus assigned to the Prince, in his public character, without keeping up caste distinctions and implicating Government in a system which fixes a mark of social degradation or inferiority on classes of the people.

2. In the present instance the question is not confined to the point whether "Tambarán" is the proper title to be given to the Zamorin.

3. It has also been claimed by the Zamorin that ordinary language should be departed from by the servants of Government* on other occasions, and I see objections to official phraseology being diverted from its usual routine in such a manner. Where are we to stop if we once began to move in this direction? Are we to return to the old system founded upon Native "etiquette" in which orders and letters addressed to Tahsíldars and other servants, varied in their form as the recipient was a Brahmin or a Sudra? I concur in what appears to be the opinion of all the recent Collectors and Magistrates of the province (Messrs. Conolly, Clarke, Robinson and Grant) that due honor may be done to the Zamorin in official correspondence without forcing our Native servants to use terms to which they object, and without tending to fasten on them and the people generally a social burden from which they are gradually emancipating themselves. The Memorandum of the present Collector, Mr. P. Grant, deserves careful attention on this point.

* *See letter from Revenue Board to Government*, 15*th August* 1856.

4. In my opinion the duty of Government is properly confined to seeing that their servants give due honor to the Zamorin *as a Prince*. For this purpose it seems to me sufficient that the Zamorin should be addressed in those terms which are given to Princes by *all* classes of the community and imply high station in a political sense. While our servants act on this principle, they appear to me entitled to support and protection.

5. I would leave the parties themselves, in the present instance, to arrange in their *private* intercourse those questions of Hindoo or Native etiquette which may arise between them. As for public correspondence I do not consider that the Zamorin has just cause to complain when the servants of Government address him as the Rájá of Calicut, the form used by the highest class of the Native community.

(Signed) E. MALTBY.

17*th April* 1860.

No. 46. MINUTE BY THE HONORABLE W. MOREHEAD.

1. I take the same view of the case as that taken by the President.

2. I cannot look upon it as a caste question. It is admitted that the Zamorin is entitled to be called and the usage has been to address him as "Tambarán." The refusing to do so, by our officials, is an innovation that we should not permit. It can only have been done with an intention to insult and annoy, and it should be at once put an end to.

3. The Zamorin I consider is justified in asking from us that he should have the respect due to him shown by the servants of Government, and it is right that we should desire it to be observed.

(Signed) W. MOREHEAD.

No. 47, From CLEMENT DALE, Esq., Government Pleader Sádr Adálat, to THOMAS PYCROFT, Esq., Chief Secretary to Government, dated Madras 12th March, 1860, No. 48.

With reference to the Order of Government noted in the margin, I have the honor to report for the information of the Honorable the Governor in Council, that the miscellaneous Petition which was presented by me to the Court of Sádr Adálat on behalf of the Police Amin of Calicut, praying for leave to Appeal specially to the Sádr Adálat, against the Decree passed by the Civil Judge of Calicut in the Appeal Suits No. 22 and 93 of 1858, notwithstanding the time limited for that purpose had expired, came on for hearing this morning; when their honors the Judges, were pleased to grant the prayer of the Petition; but owing to the very great delay (seven months) which had occurred their honors shewed great hesitation in complying with the request.

Order of Government, 19*th January* 1860, *No.* 100 *Revenue Department.*

No. 48. ORDER THEREON, 14th May 1860, No. 775.

1. The Zamorin of Calicut was the first Indian Prince who was brought into connection with Europeans after the discovery of the passage round the Cape of Good Hope; his descendant is now a wealthy mediatized Prince living under British protection.

2. It is admitted, on all hands, that, according to the social usages of Malabar, this Prince ought to be addressed as Tambirán (Zamorin) by all Hindoos except Bráhmans, who call him Rájá.

3. The Tahsíldár of Calicut, who is not a Bráhman, designated the Zamorin as Rájá only, in a letter to his Highness' Manager; and, when invited by the Zamorin to say that the omission was an inadvertence, he declined to do so; upon which His Highness sued him for damages in the Civil Court. The Judge refused to give damages, not considering the omission of title as "absolutely injurious" to the Zamorin; but he at the same time saddled the Tahsíldár with costs, on the ground that he had wilfully and deliberately, and under color of his official position, nsulted His Highness' feelings by an infringement of local usage.

4. Upon this the Government Pleader was directed* to prosecute an appeal on the ground that to submit to such a decree would be an undue recognition of the claims of caste. The case came on for hearing on the 2nd July last, when the Sadr Ádálat

* *Order* 19*th March* 1858, *No.* 356.

reversed the original decree, with the following observations: "The mere circumstance that "the act of one person is hurtful to the feelings of another gives no right of action; and the use "of terms of address, however contrary to usage, does not, in their opinion, amount to a "breach of privilege calling for remedy by a Judicial tribunal." The Zamorin, in his turn, contemplates an appeal to Her Majesty in Council; but previously to instituting it he seeks a remedy at the hands of Government.

5. The support given by the Government to the Tahsíldár encouraged the Police Amín of Calicut to shew the same disrespect to the Zamorin, aud the result has been a similar series of suits.

6. The Government have now carefully reconsidered the case. It is not denied that the Zamorin is entitled, by usage, to the address upon which he insists. The question at issue is one of social etiquette. The Government are of opinion that their subordinates ought not to be encouraged to invade established etiquette. If they are not prohibited from doing so, they should, at any rate, not be upheld and supported if they take that course. They should, at least, indulge their taste or conscience in such matters, at their own risk and cost. A Clerk in the Tithes Office (however bigoted a Dissenter) would not be allowed to leave out the words "Right Reverend" or "My Lord" in addressing the Bishop of London in writing; nor would the republican convictions of a receiver of Crown rents in the County of Nottingham excuse him from using all usual terms in addressing one of the Dukes. This was the view of the case taken by the Honorable Mr. Walter Elliot, who on a letter from the Board of Revenue on the subject, dated the 15th of August 1856, remarked as follows: "The question seems to be merely one of "etiquette. If the right of the Zamorin family to the title Tambirán, is so notorious as represented in the petitions, the Tahsíldár should undoubtedly have given it to them."

7. On the foregoing considerations the Governor in Council resolves to direct the Collector and Magistrate of Malabar to inform the Tahsíldár and Police Amín, that the Government cannot support them in withholding from the Zamorin the usual marks of respect, and that if any further legal proceedings take place, they must be at the cost of the Officers concerned, and not of the Government.

8. The Government Pleader will be informed that the Special Appeal in the case of the Calicut Police Amín, referred to in his letter of the 12th March above recorded, is not to be proceeded with on the part of Government.

9. Mr. Grant will acquaint the Zamorin with the decision of Government in reply to his petition, and will furnish him with a copy of this Order.

(Signed) J. D. BOURDILLON,
Secretary to Government.

3

Extract from a letter from T. Clarke Esq. late Collector of Malabar to the Secretary to the Board of Revenue dated 14 August 1856.-

Para: 2 In this case the agent of Her Highness Mana Vekrama Kamorin Raja of Cahicut, the Plaintiff, was written to by Tahsildar of Cahicut for a Receipt to be sent to the Hussoor for the 3rd Instalment Malikanah, due to the Raja for the year $\frac{1031}{1855/56}$, and it appears that the term Raja Averguel employed in that letter in reference to the Plaintiff was excepted to, as being derogatory to the dignity of His Highness and that the words "Thumburan Averguel" should have been employed instead by the Defendant who is a Sear caste-man.-

3. The term used cannot be termed a degrading one- however much more agreeable it might have been to the caste

caste of the Raja that a term implying inferiority in the writer of the letter should have been used.-

4. Had the Raja, instead of commencing these suits, written to me claiming this title of Samburan as due to him, and requesting that he should be so addressed by all the officials of the District, I should, had I found his claim admissible, have required native subordinates, without reference to their position in Society, or caste distinction, to accord it to him; but as the suit has now been brought, it appears to me indirectly, at least to sanction (and uphold caste distinctions, and thus to controvert the principle of the Act of William the Fourth, quoted by the Tahsildar, and the expressed views of Government, and to maintain an institution, pregnant with great social (and

moral

moral evils.

5 In conclusion, I have the honor to enclose copies of 2 letters written by my predecessor to the late Samorin as fully & ably expressing my views on the subject mooted in his suit.

(True Extract)

J. Grove
Collector.-

2/25 5th November 1853. No. 2251.
11th January 1854 No. 72.-

Extract from a Letter from T. Clarke Esqre late Collector of Malabar, to the Secretary to the Board of Revenue dated 14th July 1856.-

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It appears to me that however jealous we should be that all due respect be paid by our Officials to the Rájas & Lords of this land, we must be careful, lest by countenancing & supporting in our Court such claims as are set forth by the Plaintiff in this suit, we are made the instruments of preserving & strengthening the bonds of caste, so obstructive to the social & political improvement of the people of the country

Rája is the term used towards the Zamorin, the Head of the family of the Rájas of the place, in the treaty & all other Official Documents of the Government, and I can no where find that he is entitled to assume the title of Tamburan; but even if he be, it cannot

be

Petn. from Letter to Govt. Govt. No. 2 Dated 1856 Jany.

Petn. from Cutcherry Record & Report Board's O. in Ct. Cavalcaren

R. 808/60

be shewn that the term Raja is a degrading one.- The one Tamboovan is equivalent, I fancy, to our English "My Lord," the other Raja expresses "the King." In regard to the other two words "has met with an accident" or "caught fire," there does not seem to be much to choose between them.- However if the latter be more appropriate than the former, the latter should be used,- the question, whether it is the wish of Government that caste distinctions should so far be maintained in official correspondence as that in the public offices an expression which would be appropriate in a Brahmin official, should subject a Jean using it to heavy pecuniary damages.-

(True Extract)

Raul

Collector.-

No. 2251.

Calicut 25th November 1853.

To

His Highness the Tamuria Rajah
of Calicut

Sir,

I have received your letters as noted in the margin.

2d Kany 1028.
5th " "
12th Kar Kadagom
21st " "
6 Mishigom 1029.

I spoke to the 2d Sheristadar. He disclaims altogether any intention of insulting you by using the word Raja in speaking of you on a certain occasion.

This disclaimer appears to me to be reasonable. He is too wise a man to use improper language, and that for no possible benefit.

It does not seem to me that the term Raja (and especially when used in the plural) conveys any thing like disrespect. We speak commonally of the Raja of Travancore or the Queen of England without certainly intending any disrespect to these distinguished personages.

In formal writing we should no doubt use more formal modes

of

Letter to Collr
Sept 14th 1853
Letter to Rajah
Sept 14th 1853

Sent. Some copies
Collr of Tan.
Collector Pte
Ld. R. Tr Ken
Ke 9. 15 mr Ke
Ke 2e
Travancore Ken

R. 8108/53

Pd
Telegraph 7 Oct
Ke 42-403

of expression - that is to say, we should give adjuncts to the title of King or Queen - but the etymology and common signification of the word Raja, is sufficient I think to guard against its being looked on as an improper address under any circumstance.-

I have &c.

Signed/ H. V. Conolly

Collector.

P. S.

The papers received with your letter are herewith returned.

Compd. D.S

N.° 72.

Calicut 11th January 1854.

To,

His Highness the Samorin Rajah
of Calicut.

Sir,

I have the honor to acknowledge the receipt of your letter of the 22d Dhanoo 4th January in which you express your opinion that Peons of whatever rank or station should be made to use the word Tamburan i.e. Lord or Master whenever they have occasion to name you.

I do not think the British Government would authorize an order that persons of one caste should employ a phrase expressive of inferiority in speaking of a person of another caste however exalted.-

There is no law in England to compel the lowest person in the realm to use a particular term in speaking of the very highest person.

The question of ceremonial titles, so far at least as conversation is concerned, is one of social breeding

and

and must be left to individual feeling.-

I have already informed you that my 2d. Sheristadar disclaims any intention of disrespect in speaking of you while in conversation with me of you people as the Rajah.- (with the honorific plural) and the disclaimer coming as it does from a man of high official station & character, should I think be sufficient for you.-

I have &c.

Signed/ H. V. Conolly

Collector.

Encl. 1

Memo

Explanatory of the use in Malabar
of the Letter
Rajah or Prince
Tamburán or My Lord or possessor
My Divine Disposer

1. In order to elucidate the matter thoroughly it will be necessary to write somewhat at length.

2. In Malabar there are four (4) great distinctive castes amongst the Hindoos, viz.

Brahmins. Nayars. Tiyyars & Cherumers
Slaves

3. The Zamorin Rajah is I think descended from the Shepherd caste.

4. The Brahmins & Nayars consider themselves so far superior to the Tiyyars & Cherumers that to approach within 36 paces of the former and 60 paces of the

Govt. Translator S. A.

latter is looked on as a misfortune causing pollution.

5. With the exception of the Brahmins who address the Zamorin as "Rajah", all other castes talk of and address him as the Calicut Tamburán.

6. A Cherman addresses a Tiyyan by the title Chóvan, and a Tiyyan in the ordinary course of daily life salutes the Nayyar as "Tamburán" but the title is never used by a man of high caste to an inferior caste man, so that the use of the term by any one implies that the addresser is of lower caste than the individual addressed.

7. The social import of the term Tamburán is thus apparent.

8. With regard to the use of the title Rajah, it is doubtless more honorific than Tamburán, and is always used in social correspondence addressed to Europeans by Rajahs & vice versâ.

the adoption by them of the term Tamburáns would be incorrect and not in consonance with the feelings of the people.

9. From what I have been able to gather from Rajahs "Tamburán" in their correspondence between natives of rank and the agents of Rajahs had been mixed up arbitrary and depended a good deal on the feelings of the Government Agents and the Rajahs towards each other, it was not until the case out of which the present petition arose happened, that the question ever came to issue.

10. My predecessor Mr. Robinson Esq. Govt. Pleader and his predecessor Mr Clarke were member of the Hon. Board were both of opinion that the question never altogether to be one, and on their ground they recommended its defence at the public cost.

Govt. Pleader T. A

I suspect my own sentiments are
in accordance with the expressed
opinion of these two gentlemen;

11. The point is of much importance at
these times, when from the stylus of
periodical communications pursued
in many parts of the Lower castes
are getting into the public service
and using distinctions, I cannot help
thinking that they would feel galled
& compelled to use the title Tambu-
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of Calicut, if a Brahman (as was the
case with the immediate predecessor
of the Gentleman against whom the
suit now under reference was brought)
would use the title Rajah, when
his superior the Tahsildar, if a Tuyan
and writing in the same case referred
them & the Collector for his decision
would have to use the term Tambu-
ran. May he comment he was of a Lower caste

12. It is this very circumstance & implies
servility which irritates so much acrimony
into the Exertions

13

the lower classes boast that they
have a Government which takes all
castes and religious differences
and places its subjects on the same
level

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declared official adoption of the
title Tamberan, would cause con-
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amongst the Large and wide
class of Tuyans, and Malabar
Officials, the Chermers are too
few in the Social scale to induce
it, unless worked on by others, but
they might be made tools of.

To

The Right Honorable Sir Charles Trevelyan K. C. B.

Governor in Comail

Fort St. George

Sir,

That the Zamorin, as your Lordship may be aware of, belongs to the ancient Royal Dynasty of Calicut well known in History and is to this day revered thro'out Malabar. Having once owned allegience to the British Government he has ever most scrupulously adhered to it.

Even after the assumption of the Kingdom by the British Government they were proverbially and practically used to the respects, immunities and privileges held by families (such as that of the Memorialist) as the ancient Sovereigns of the soil.

If a deviation from such course were allowed in case of your Memorialist unremedied it will be a matter of the greatest grievance to him.

In

Govt. Pleader S. A.

Copy received with Rev. to Govt. Letter dated 16th Feb. 55.

Revenue Board's Proceedings No. 1 Dated 16th Feb. 1855

Copy

Collector of Malabar

Dated
Rec'd } 1854

Enc: 4.

Explaining the case in Malabar of the Titles "Royal" "Zamorin" "Queen" and stating his sentiments regarding the mode of addressing the Zamorin.

No 2.

c2. Aug 4/60
124

No 1775-14 Aug.

In the present case your Memorialist having no remedy but from the hands of your Excellency he earnestly solicits to approach you with this humble Memorial.

The peculiar usage of the Malabar regulates the expressions to be used by the several classes with reference to the Royal families of the locality. This is irrespective of Religion, Caste, &c

The usage is not only strictly adhered to in social intercourses but also repeatedly upheld by all the authorities as will be evident from the enclosures marked A.B.C & D.

The people however taking advantage of the tardy and cumbersome remedy at Law to redress the infringement of every privileges trespass beyond their limit. When such an infringement is made in an individual capacity, Memorialist can safely let it remain unnoticed. But on the other hand when it is made in papers having the guise of the Official Communications your Memorialist has no other course left to him but seeking remedy officially.

When the privileges were once infringed in judicial pleadings, your Memorialist's late uncle complained to the Court of Sudr Adalut who were then pleased to direct the strict adherence of the local practice (vide Proceedings of the Sudr Adalut dated 1st July & 12th September 1853) and as regards the judicial process (vide order of that Zilla Court of Calicut dated 8th & 16th February 1842.

While the practice is so regidly observed a Tahsildar had infringed the said privilege in Official Communication and declared, when asked whether it had occurred thro' inadvertance or not, to be voluntary.

Memorialist's late predecessor thereupon not having obtained remedy from his (Tahsildar's) immediate Superior instituted a suit against him for the recovery of personal damages. In the original trial the Civil Court of Calicut upholding the usage of Malabar saddled Defendant with the costs of the suit & warned him against the repetition of the same but dismissed the amount sued as personal damages.

Memorialist

Govt. Pleader S. A.

* Enclosures marked A & B.

& marked C.

Memorialist's late Uncle was contended with the said Decree of the Civil Court; but on the Government appealed on his behalf and in support of the other party, the Court of Sudr Adalut without denying all the facts of the case, nonsuited the Pltff on the ground that the action is not maintainable for such infringements whatever it be the consequence thereof to Memorialist's late Uncle. The copy of the Decree of the Civil Court is marked **D** and that of the Sudr Adalut **E**.

The only course now left to your Memorialist is to institute an appeal to Her Majesty in Privy Council, if Her Majesty pleases to admit the same. Before adopting such measure your Memorialist seeks remedy from your Excellency's hands to avoid the necessity for the other course.

Your Memorialist humbly submits that it is not consistent with equity or with the principle or policy of the British Government to degrade the ancient Sovereigns of the Country in the eye and estimation of the people.

In the present case when the act of Ambor Tahsildar was judicially complained by Memorialist, the Government, have at once undertaken the management of the suit thoroughly to the great prejudice of Memorialist.

It is apparent that the act forms no part of the administration of Tahsildars' duty in as much as the expression of the respectable language used in Official record would not interfere with the discharge of his public business.

While so, the interference of the Govt. in support of the individual act of their servant of inferior grade to the great degradation of an allied ancient Monarch of the soil, your Memorialist humbly submits, amounts to insisting that he should patiently submit to the insolence of a man so far below him in position because of his belonging to the public service.

The Memorialist has firm belief that had it not been for the interference of the Government, the case would have been at once amicably settled & the dignity & honor of your Memorialist would have been preserved

Govt. Pleader S. A.

preserved without costs of the neither side & the refusal
of the enterference of the Government would have dis-
-couraged the other Officials from following the foot-steps
of the present Defendant.

What the Memorialist asks from your
Excellency's hand is not a noval one. It is ordained by
the late Principal Collector of Malabar by his order
dated 3d February 1824 and unexceptionately accepted
and followed up to the present. As the expressions of
Her Gracious Majesty's proclamation in the assump-
tion of the direct Government of India promising
every respect & honor due to native Sovereigns of India
will be in the fresh memory of your Excellency I
your Memorialist does not dwell any longer on
that point.

Your Memorialist with utmost con-
fidence at your Excellency's gracious devotion in the
improvement of India & respecting its ancient Nobi-
-lities, humbly solicits that your Excellency may
be pleased to issue strict orders to the local autho-
-rities that the Officials, of every description, of Malabar
should strictly adhere to the usages of the district in

interfering

7 Enclosure marked D.

interfering with the Zamorin's family and warning them that
a violation of such rule would cause the displeasure of
the Government and proclaiming the withdrawel of the
interference of the Government in support of such acts.
For which act of justice your Memorialist shall as in
duty bound,

Ever Pray

The present Zamorin

ary 1860.

Govt to Slender S. A

A.

Extract from the Proceedings of the Sudder Adalut,
under date the 7th July 1853.

Present

Messrs R. H. Morehead Esqrs } Judges
T. L. Strange Esqr }

Read Miscellaneous Petition presented
on the 2nd April 1853 by S. Veroomaul Savvy Vakeel
on behalf of Manaveerama Vemoin Rajah of the
Zilla of Calicut.

(Herewith S. R. P. No 152 of 1853)

The Petitioner the Tamoorin Rajah,
complains of disrespectful language in violation of existing
usage employed by the Defendant, a Seat in his rejoinder
in Suit No 59 of 1851 on the file of the Moofy Sudder
Ameen's Court of Calicut, in which the Petitioner is
Pltff.

He particularly instances the Defts
employment towards him of the word "Rajah," whereas
"Temboorar" is the expression ~~in~~ usually ~~used~~
of by persons of Defendants caste in reference to
the Petitioner.

The Civil Judge has required, that
certain offensive expressions appearing in the said
Rejoinder, should be struck out, but otherwise as to
what concerns the dignity of the Petitioner & the
usages of caste in Malabar, he has declined
paying attention to the Petitioner's remonstrances.

That

Govt Pleader S. A

A

4. That there are expressions thus against usage in the Reminder in question, would seem to be the case from the Proceedings of the Civil Judge of the 3d. September last, wherein he observes that or it would "have been as well had the Petitioner (Ex. 12) made use of the expressions generally used by his caste people."

5. The Court of Sudder Adalut are of opinion, that a party such as the Defendant should not be allowed under the cover of pleading in the Courts, to utter language towards the Petitioner, an individual who is the highest rank among the Hindoos of Malabar, having the direct tendency to wound his feelings & lower him in the estimation of others and they accordingly resolve to direct that the Civil Judge will carefully peruse the said Reminder and have expunged therefrom all terms not consonant to the position in which the Defendant stands relating to the Petitioner.

Ordered that Extract from these Proceedings be sent to the Civil Judge of Calicut for his information and guidance by Precept within 10 days.

Ordered also that Extract from these Proceedings be furnished to the Petitioner's Vakeel on his application.

(Sd.) Signed N. J. Arbuthnot
Acting Register

(37 V)

B

21

Extract from the Proceedings of the Sudder Adalut under date the 12th September 1853.

—Present—

Messrs W. A. Morehead, J. L. Strange } Judges.

Read again Miscellaneous Petition presented on 25th April 1853 by Vakeel S. Ferooma-chary on behalf of Manevecrama Zamorin Rajah of the Zilla of Calicut.

(Here enter S. M. P. No. 152 of 1853).

Read also return dated 25th August from the Civil Judge of Calicut to the precept of the Sudder Adalut dated the 11th August 1853 calling for a copy of the Pleadings in Suit No. 25 of 1851 on the file of the Moofty Sudder Ameen's Court.

(Here enter S. A. 1038 of 1853).

1. Petitioner objected that his adversary in the above suit had in his Pleadings used expressions derogatory to him

Govt. Pleader S. A.

him and such as the customs of the country did not authorize Dft to use in reference to a man of Petitioner's rank.

2. In the above return the Civil Judge submits a copy of the pleadings marking the expressions objected to by Petitioner and pointing out those which he wishes to be substituted.

3. The Court of Sudr Adalut are of opinion that the phrases objected to by the Pff as offensive to him and as not conformable to usage should be amended in the manner he has desired, because it appears to them that the exceptions taken by him are well founded and because the amendment of these phrases can be the source of no degradation to the Dft who is bound in preferring to an individual of the Pff's rank to use terms acceded to him by usage in recognition of his dignity.

4. The Court of Sudr Adalut have to

to point out that one of the phrases in the Rejoinder underlined by the Civil Judge would seem not to be objected to by the Pff.

Ordered that Extract from these Proceedings be sent to the Civil Judge of Calicut for his information and guidance.

A true Extract
Signed/ A. J. Arbuthnot
Acting Register.

O. S. No 2 of 1856.
Produced by Pff's Vakeel.
Filed 10th July 1857.
Signed/ H. D. Cook
Civil Judge.

Govt. Pleader S. A.

Copy of Extract of Proceedings of the Adawlut Court
Zilla Malabar dated 15th February 1812.
7th Vrom Vom 1187.

To The Calicut District Moonsiffs.

It appears that in Notices &c issued in suit in which Mana vierama the Calicut Zamorin is a party, that the word "Order" and that the Rajah "himself" should appear before the Court, is used; and as the Rajah has written and informed the Court, that the Moonsiffs, without reference to the usages of Caste, use the term Rajah in addressing him, and that the same is derogatory to his rank.

Hence forward, therefore, in such Notices &c the word "order" is to be omitted, and the name of the same substituted; & further that the Rajah should be requested to appear through his Vakeel. The Moonsiffs ought also in future address the Rajah, as they would, in their private capacity.

(2 V/)

Govt Secretary S. A

D.

Decree of the Civil Court Zilla Calicut—

O. S. No 2 of 1836 on the file of the Civil Court.

Versus.

-Plaintiffs-

1. Mana Vikrama Zemorin
Rajah of Calicut (deceased)
Supplemental.
2. Mana Vikrama Rajah of Calicut

-Defendants-

Ondan Amboo,
Tahsildar of Calicut.

-Vakeel-

Sheshom Putter.

-Vakeel-

Amboo Podwall.

1. The suit was instituted for the recovery of Rupees 12,008 for damage sustained by Plffs Sooroopom by Dft having applied a misappropriate term to Plffs.

2. The Plaint sets forth that on the 6th June 1836 Dft addressed a communication to Plffs Kanganam therein using the term "Rajahs" instead of "Samboorin," that Plffs should not use the terms, that the use of it is opposed to local usage and entails disrespect to the Sooroopom, that a letter was addressed to the Dft to know if he had used it from oversight

Govt. Pleader S. A

oversight, to which he replied on the 12th idem stating that he had done so deliberately. Pff therefore instituted this suit for damage.

3. Defendant answers objecting to Supplemental Pff being allowed to revive the suit and stating that by using the term he meant no disrespect, that it conveys no disrespect and that he has often used it on former occasions in official communications as generally done by public officers of the Nair & Tier castes.

4. Pff replies urging that even Nairs are precluded from using the term & that the Collector has issued an order requiring the use of appropriate terms in public documents.

5. In his rejoinder Dff denies his knowledge of any such order.

6. Points of proof recorded on the 7th January 1857.

Plaintiff.

To prove that by the Tahsildar addressing to

to him a letter denominating him "Rajah" his station was degraded.

Defendant.

To disprove the Pff's evidence in support of his point and prove that by addressing the letter in his official capacity no degradation was conveyed to the Pff's station.

List of Pff's documents.

1.

A. Order from the Dff to the 1st Pff's Kanganam therein using the term "Rajah" dated 6th June 1856.

B. Ditto from Ditto to Ditto stating that the term "Rajah" was used deliberately dated 12th June 1856.

C. Extract from the Proceedings of the Sudder Adalut conveying their opinion on the use of the term "Rajah" dated 5th July 1853.

D. Ditto from Ditto on the same subject dated 19th September 1853.

E. Copy of an order issued by the Principal Collector of Malabar to the Calicut Tahsildar enjoying compliance with local usage in their official communications dated 23 January 1854.

F. Order from the Zillah Court of Malabar to the Calicut Moonsiff directing the Moonsiff in issuing

V.

Govt Pleader S. A

issuing Notices &c to the Zemorin to use such
term towards him as they would do if addressing
him in their private capacity- dated 7th Koumbom
16th February
1017.
1842.

G. An Official letter from a late Nair Tahsildar
of Calicut to the Zemorin Kariyastan using the term
"Tamburan"- dated 1st Thanoorom 1011
13th January 1836.

H. A similar letter from a late Nair Tahsildar of
Ernad- dated 30th Kanny 1011
4th October 1835.

I. Ditto from the Pffs' 2d Witness to the Zamorin's
Kariyastan- dated 29th Medom 1020
9th May 1845.

Ditto from a late Nair Tahsildar of Calicut
to Ditto- dated 7th March 1848.

K. Ditto from a late Nair Tahsildar of Nedun-
gonad- dated 6 Thanoo 1029.
11th December 1853.

Ditto from Pffs' 4th Witness to the Zamorin's
Kariyastan- dated 4th Karkadagom 1025.
25th October July 1850.

L. Ditto from the present Nair Tahsildar of Wal-
lowanad to Ditto- dated 2d Joolam 1025
4th October 1849.

A.

N.

F.

M. Copy of the Decree in Suit No 345 of 1852
passed by the late Acting Moonsiff of Kootnad
a Tier therein using the term "Tamburan" dated
29th September 1845.

O. Copy of a deposition of a Tier Vakeel
therein stating that Tiers should use the term
"Tamburan" in addressing the Zamindar in dated
25th October 1849.

P. List of Defendants' documents

I. Attested copy of a letter addressed by the late
Collector to the Zamorin stating that he was of opinion
that the term "Rajah is not derogatory- dated 25th
November 1853.

II. Ditto from the Collector to the Revenue Board
stating that the term cannot be termed derogatory
dated 14th August 1836.

III An official original Verjee from a late Na
Official to the Collector of Malabar therein using
the term "Rajah"- dated 4th Muthonum 998 (16th June 1823.

IV. A similar document from Ditto to Head Asst
Collector dated 26th Meenom 1010 (11th April 1835)

V. Ditto from Ditto to an Adigary- dated 2d Thanoo
1013 (15th December 1837)

Govt Pleader S. A

XIV. An original deposition of a Rajah given before a Nair Sub Officer, the term "Rajah" being used in the questions put to him dated 29th Medom 1021 (11th May 1846)

XV. Original Urzee from a Nair Tahsildar to the Collr. therein using the term "Rajah" dated 30th Medom 1021 (11th May 1846)

XVI. Original letter from a Nair Tahsildar to the Palghaut Talook Cutcherry using the same term dated 25th May 1846.

XVII. Original Official Report from another Nair Tahsildar to the Collector using the same term dated 22d June 1855.

XVIII. Attested copy of an order from a Teer Police Ameen of Calicut to a Nair using therein the same term dated 2d February 1856.

XXIV. Ditto from a Teer Tahsildar to a Rajah's Karyastan using therein the term "Rajah" dated 19th February 1856.

XXV. Ditto from a Teer Police Ameen to a Rajah's Karyastan using therein the term "Rajah" dated 7th March 1856.

XXVI. Original decisions passed by a Teer Tahsildar using therein

Govt. Pleader S. A.

i joining
term
him
101
10th
G
[illegible]
Ditto Ditto from Ditto to another late Nair
Official using the same term - dated 21st June 1839.
An Official original urzee from a late
Nair Tahsildar to the Collector therein using the
term "Ranee" dated 31st Kinny 1016 (15th October 1840).
IX. Ditto Dr. from another Nair to the Collector
using the term "Rajah" dated 9th Meenom 1016
(13th March 1841).
X. Ditto Ditto from Ditto to Ditto to the same effect
dated 29th Dhanoo 1017 (11th January 1842).
XI. Ditto letter from Ditto to the Calicut Talook
Cutcherry to the same effect dated 28th November
1842.
XII. Official Urzee from a Nair Tahsildar to
the Collector therein using the terms "Rajah"
and "Ranee" dated 3d Tolam 1019 (17th Oct. 1843).
XIII. Official letter from a Nair Tahsildar to the
Calicut Talook Cutcherry using the term "Rajah"
dated 27th August 1845.

therein the same term - dated 27th April 1856.

XXVII. Original letter from the said Rajah to the Head Assistant Collector taking no exception to the term "Rajah" used in the above document (No 26) dated 8th Chingom 1031 (22nd August 1856)

XXVIII. Ditto Official letter from a Nair Tahsildar to the Nedoonganad Talook Cutcherry using therein the term "Zamorin Rajah" dated 31st December 1854.

XXIX. Ditto Ditto Urzee from a Nair Official to the Collector of Malabar using the term "Rajah" in addressing the Zamorin - dated 20th Sept. 1845.

XXX. Ditto Ditto Report from a Nair Tahsildar to the Collector using the same term to the said Rajah - dated 3rd February 1847.

XXXI. Attested copy of a reply from a Rajah's Kariyastan, a Nair, to an order issued by a Sheristadar Police Ameen - dated 13th Magarom 1030 (24th January 1855).

This was filed to prove that no exception was taken to the term Rajah used in the foregoing order.

XXXII. Ditto Ditto from a Rajah's Kariyastan on the same subject dated 30th Koombhom 1031 - (11th March 1856).

XXXIII. Copy of a Diary order from the Civil Court dated 14th October 1857.

XXXIV. Rough draft of an order issued by a Brahmin Tahsildar to the Zemorin's Kariastan, using therein the term Rajah - dated 30th April 1853.

XXXV. Ditto Ditto Ditto 11th May 1854.

XXXVI. Ditto Ditto Ditto 17th Ditto.

9. List of Witnesses examined by Plff.

1. Peroombay Coonjoo Menon, 2. Attatha Kanapa Menon, 4. Nayadatha Thungara Madrar.

10. List of Witnesses examined by Dft.

1. Rama Chundra Kimpty's son Thungoo Kimpty.
2. Koonata Chembola Krishna Kooroop & 3. Karavanteby Thungaren.

Judgment -

11. On a preliminary hearing of the case on the 24th December 1856, the Court [illegible] opinion that the term Rajah was used to the Head of the station and as the supplemental Plff is the present head of the station it is right that he should be allowed to conduct the suit, as if the matter was not decided the same term might be applied to him as to his predecessor.

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=cessor. The Court therefore disposed of this preli=
=minary point in Pffs favor.

12. The Pff the Zamorin Rajah of Calicut pleads that the damage sustained by him at the hands of the Dft the Tahsildar of Calicut is that the Dft in his official capacity addressed a letter to the Karigastan of Kowilogom, in which in men=tioning the name of the Pff he omitted to insert the word "Tamburan" thus wilfully lowering the Pff in the eyes of the public by the omission of a word, which local usage entitles him to receive from Nairs and Jeers and other classes of society, Brahmins excepted.

13. The Dft pleads that the letter was an official one and addressed to the Karigastan and that the use of the word Tamburan was not necessary in a communication strictly official that he did not mean to convey any disrespect to the Pff by the omission of the word.

14. The oral & documentary evidence ad=duced by the Pff clearly proves that the Pff is by local usage & general practice always ad=dressed by the title "Tamburan," save by Brahmins,

&

and that this honorary word has been and is used in all letters whether official or private directed to the Pffs Kowilogom save those written by Brahmins. This practice is not of recent origin but has been sanctioned by orders emanating both from the Sudr Adalut, and the Collectors, and the Dft has not proved that it is the practice of the Circar Autho=rities to omit the word when writing to the Kowi=logom on official matters.

15. The omission of the word Tamburan has not entailed upon the Pff any damage, and the law requires that when the cause of action does not on the face of it import such defamation as will be actually injurious, an action for damages cannot be sustained. In this case the Court does not find that the Pff has suffered any loss or damage at the hands of the Dft, or that he has been in any way injuriously affected by the omission of the word "Tamburan."

16. But on the other hand, the Dft has failed to prove that the omission of the word was in accordance with practice, and aware as Dft was, of the practice & of the position of the Pff the

Court

Govt Pleader S. A

E.

Decree of the Court of Sudder Adalut

Before the Civil Court of Calicut, Original Suit № 2 of 1856.
Before the Court of Sudder Adalut, Appeal Suit № 100 of 1858.

Signed / G. S. Hooper
" / T. L. Strange
" / H. D. Phillips

L. S.

Appellant. Versus Suppl. Respt.

Ondan Amboo. Manavicrama Rajah

The original Plff, the then Zamorin Rajah of Calicut, sued the Dft, the tahsildar of Calicut for damages, because of his having referred to him, in an official communication sent for his information, under the appellation of Rajah, and not of Tamboorin, the same being considered by the Plff derogatory to his dignity.

The original Plff having demised, the suit was continued by the successor to his station of Zamorin.

The Civil Judge held that the use of the term objected to did not amount to injurious defamation,

&c

Court must hold that Dfts act was a wilful & deliberate departure from local usage, and the interest malicious, i.e. the act was done with the view to hurt the Plffs feelings & to lower him in the estimation of the public so far the Dft took advantage of his official position to adopt a mode of address to the Rowilagom, which he could not have used, in his private capacity.

17. The Court does not view this case as a caste one, nor will it base its Decree in any way upon such a view, but it holds that the Dfts object was to hurt the feelings of the Zamorin, and in order to do so he took advantage of his official situation to adopt an unusual mode of address which therefore the Court does not award to the Plff any damages, yet being of opinion that the Dfts conduct was wrong, and that he was actuated by a malicious intent the Court in dismissing the claim for damages assesses the Dft with all costs of suit.

Given under my hand & the Seal of the Court this 14th October 1857.

Signed H. D. Cook
Asst Judge.

so as to entitle the Pff to damages. The act being one in the repression of which the office holder of the dignity of Zamorin was interested, he allowed the present Zamorin to maintain the suit, and awarded him the costs, considering that the Dft had been guilty of a deliberate departure from local usage in the mode of address employed by him, the effect of which was to hurt the Pff's feelings, and to lower him in public estimation.

From this award the Dft has appealed, and is represented by the Government pleader Mr Dale. The Pff is represented by Seroomala Chary.

Judgment

The Civil Judge having acquitted the Dft of libel, the Court are led to suppose that his having decreed that the costs should be paid by him must be owing to his having considered him guilty of breach of privilege; and to his having taken this view of the nature of the plaint, they also attribute his having permitted the maintenance of the suit by the Pff's successor on his demise. The Court are unable to agree with the Civil Judge that an action is maintainable on the premises set forth. The mere circumstance that the act of one person is hurtful to the feelings of another gives no

From Clement Dale Esquire Government Pleader Sadr Adalat

no right of action; and the use of terms of address, however contrary to usage, does not, in their opinion, amount to a breach of privilege calling for remedy by a judicial tribunal.

The Court resolve therefore to reverse the decree of the Civil Judge, and to dismiss the suit with costs.

Given under our hands and the Seal of the Court, this 2d day of July 1859.

By order of the Court of Sudder Adalut.

Signed C. F. Chamier

Register.

Signed & sealed in Court, this 15th day of September 1859.

Signed C. F. Chamier

Register.

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From Clement Dale Esquire Government Pleader Sadr Adalat

F.

33

№ 38 Huzzoor № 582.

From James Vaughan Esqre
Principal Collector of Malabar.

To Munjapurrah Oonerey Menon
Tahsildar of Calicut.

I have been informed that the Tah-
-sildars, when writing to the Village Officers, & princi-
-pal inhabitants, are, in virtue of their authority, in
the habit of addressing them in an uncourteous
and disrespectful style, I have now to state that I see
no reason, why civility should be forgotten in
official correspondence.

Dated Tellicherry 3d February 1824.
23d Magarom 999.

(P VI)

No. 48

From Clement Dale Esquire Government Pleader Sadr Adalat
To Thomas Pycroft Esquire Chief Secretary to Government

Dated Madras 12th March 1860

No 48

Sir,

With Reference to the Order of Government noted in the Margin, I have the honor to Report for the information of the Honorable

Order of Government 19th January 1860 No 100
Revenue Department

The Governor in Council, that the Miscellaneous Petition which was presented by me to the Court of Sadr Adalat on behalf of the Palice Amin of Calicut, praying for leave to appeal Specially to the Sadr Adalat, against the Decree passed by the Civil Judge of Calicut in the Appeal Suits Nos 22 and 93 of 1858, notwithstanding the time limited for that purpose had Expired, came on for hearing this Morning, when their Honors The Judges, were pleased to grant the prayer of the Petition; but owing to the very great delay (7 Months) which had occured their Honors showed great hesitation in Complying with the Request.

I have the honor to be
Sir,
Your Most Obedt Servant

Clement Dale

Govt Pleader S. A.

Minute

"I quite agree that the due honor should be paid by Public servants to the Princes of the Land, but I conceive that this should be done in Official correspondence & on official occasions by the can be used by the entire Community. Honor is thus assigned use of such terms to the Prince in his Public character, without keeping up caste distinctions & unpleasing Government in a System which fixes a mark of degradation inferiority on classes of the people.

In the present instance the question is not confined to the point whether "Tamburan" is the proper title to be given to the Zamorin. It has also been claimed by the Zamorin that ordinary language should be departed from on other occasions, but I see objections to official phraseology being diverted from its usual routine in such a manner. Where are we to stop if we once begun to Engage in this direction? Are we to return to the old system founded upon native "etiquette" in which Sovereigns & other Sovereigns, ranked in their Courts as the recipient way a Brahmin or a Sudra? I concur in what appears to be the opinion of all the recent Collectors & Magistrates of the Province (the Hons Conolly, Clarke, Robertson & Grant)

*See Letter from Board to Govt 15 Augt 1856

Revenue Board's Proceedings 26th August 1856 No 1-2
& 8th January 1857 No 52-59
20th January 1857 No 42-52.
Copy with Letter to Govt
Dated 12th March 1856
Rec'd

No 48

(Enclosure none)

To
The Secretary to Government
Fort St George

Sir,

I have the honor to transmit herewith for the consideration of Government a Petition addressed to the Governor in Council by Ramen Pedda Venkatadry Naidu Zemindar of Kalahasti praying that the Peons attached to the Circuit Cutcherry at Kalahasti may be exempted from the operation of Act XXII of 1856 and to request that you will be pleased to lay the same before Government with the recommendation of this Board.

2. The Petitioner represents that the Peons attached to the Circuit Cutcherry at Kalahasti are Zemindary Peons and that they have been exempted from the operation of Act XXIII of 1856 by the Collector of Chittoor.

3. The Board are not aware of any reason why the Peons attached to the Circuit Cutcherry at Kalahasti should not be exempted from the operation of Act XXII of 1856 and they accordingly recommend that the prayer of the Petitioner be complied with.

I have &c

(Signed) C. Brown
Secy to Board of Revenue

Fort St George
12th March 1857.

No 7705 - 14 Mar

that ~~the~~ due honor may be done to the Zamorin in official correspondence without forcing our Native servants to use terms to which they object, & without tending to foster on the people generally a spirit from which they are gradually emancipating themselves. The Memorandum of the present Collector Mr. P. Grant deserves careful attention on this point.

In my opinion the duty of Government is confined to seeing that their servants give due honor to the Zamorin as a Prince. For this purpose it seems to me sufficient that the Zamorin should be addressed in those terms which are usually given to Princes by all classes of the community. I do not imply high station is a political claim. While our servants act on this principle they appear entitled to support & protection. I would leave the parties themselves, in the present instance, to arrange in their private intercourse those questions of Honors or Native etiquette which may arise between them. As for public correspondence I do not consider that the Zamorin has cause to complain when the servants of Govt address him as the Rajah of Calicut the form used by the highest class of the Native community.

17 April 1860.

37

I take the same view of the question that is taken by the President. I cannot but believe that the Zamorin is entitled to, & has always enjoyed the title of "Zamorin" - He is referred to as "Zamorin" - He refuses to do so, & your officials, it seems to me, should only address him as Zamorin. I would not allow the Zamorin's Vakeel to enter the Durbar Room, & I would not receive any petition he might present, unless it were addressed to me as Zamorin.

The Zamorin's Vakeel is justified in asking you to say that he should have the respect due to their Sovereign by the servants of Govt. & it is right that you should desire it to be shewn.

W. Maclean

Minute by the Honorable the President

To circulate a Memorial with Enclosures from the Zamorin of Calicut which I received during my recent Tour.—

The Zamorin, who is well known as the first Indian Prince who was brought into connection with Europeans after the discovery of the Passage round the Cape of Good Hope, is now a wealthy Mediatized Prince living under our protection.

It is admitted, on all hands, that, according to the social usages of Malabar, he ought to be addressed as Tamberan (Lord) by all except Brahmins, who call him Rajá

The Tahsildar of Calicut who is not a Brahmin, however designated the Zamorin as Rajá only, in a Letter to his Highness's Manager; and, when invited by the Zamorin to say the omission was

Minute by the Hon.ble Mr Morehead.

Dated 6th March 1866

Agreed that the Order Absolving the Petitioners in the Petition of Ramen Nair be reversed by the Board of Revenue & that the Collector of Calicut be informed accordingly.

Dated 17th March 1866.

Minute by the Hon.ble Mr Maltby.

Under the Rules of the Board of Revenue the Petitioners are entitled to the Order which they solicit, & I therefore agree with the Hon.ble Mr Morehead in the Order proposed by him.

Dated 17th March 1866.

Letter to Govt dated 20th March 1866 No 811

Letter from Govt dated 29th March 1866 No 811

Revenue 1866 Despatch to Govt 20th May No 8[illegible]

No 7795-146 Collay

C2 Nov/60124

was an inadvertence, he declined doing so; upon which His Highness sued him for damages in the Civil Court.- The Judge would give no damages, not considering the omission of the title as "absolutely injurious" to the Zamorin; but he at the same time taxed the Tahsildar with costs, on the ground that he had wilfully and deliberately, and under Color of his official position, insulted His Highness' feelings by his infringement of local usage.

Upon this the Government Pleader was directed to prosecute an appeal on the ground that to submit to such a decree would be an undue recognition of the claims of caste. The case came on for hearing on the 2nd. July last, when the Sadr Adalat reversed the original decree, with the following observations.

"The mere circumstance that the act of "one person is hurtful to the feelings of "another gives no right of action; and the

"use of terms of address, however contrary "to usage, does not, in their opinion, amount "to a breach of privilege calling for re- "medy by a judicial tribunal".- The Zamorin, in his turn, has now instituted an appeal to Her Majesty in Council; but, previously to prosecuting it, he seeks a remedy at our hands.

The case appears to me to be a very plain one. It is not denied that the Zamorin is entitled to the address by usage. The question is one of social Etiquette. The Government ought not to encourage its subordinates to invade estab- lished Etiquette. If they are not prohi- bited from doing so, they should, at any rate, not be upheld and supported if they take that course.- They should, at least, indulge their taste or conscience in such matters, at their own risk and cost. A Clerk in the Settlement Office (how- ever begotten a Dissenter) would not be allowed to leave out the words "Right Reverend"

"Reverend" or "My Lord" in addressing
the Bishop of London in writing; nor
would the Republican convictions of a
Receiver of Crown Rents in the County of
Nottingham excuse him from using all
usual terms in addressing one of the
Dukes. I do not stand alone in this
view, for the following remark by Mr.
Elliot appears in a Letter to the Board
of Revenue dated the 15th. of August 1856.
"The question seems to be merely one
"of Etiquette. If the right of the Zamorin's
"family to the title Tamburan is as
"notorious as represented in the Petition, the
"Tahsildar should undoubtedly have given it
"to them."-

The support given by the
Government to the Tahsildar encouraged
the Police Amin of Calicut to shew the
same disrespect to the Zamorin, and the
result has been a similar series of
suits.-

I, therefore, propose that the

the Collector and Chief Magistrate of
Malabar should be instructed to inform
these Native Officers that Government
cannot support them in withholding from
the Zamorin the usual marks of respect,
and that, if any further legal Proceedings
take place, they must be at their own
cost.-

Ootacamund

Guindy Park April 16th. 1860.

I agree in the view the
President has taken of
this matter.-

Rev. Dept.

No. 775

Proceedings of the Madras Government

Under date the 14th May 1860.

Read the following

Papers

Petition from the Zamorin of Calicut.

Requesting that the local authorities of Malabar may be directed to enjoin the Subordinate Offi= als to adhere to the usual mode of addressing him. — Here Enter February 1860.

Memo by Mr. Grant Coll.r Malabar

Explains the use in Malabar of the titles "Rajah" & "Samboram" and states his sentiments regarding the mode of addressing the Zamorin of Calicut. — Here Enter.

Minute by the Honble the President

Stating his view of the matter & proposes that the Coll.r & Mag.e of Malabar be instructed to inform the Zamorin of Calicut that Govt cannot support them in withholding from the Zamorin of Calicut the usual marks of respect. — Here Enter 16th April 1860.

Minute by His Ex.y the Comd.r in Chief.

Agrees with the ~~above~~ minute by the President in the matter of ~~fact to be shown by native officers to the Zamorin of Calicut.~~ — Here Enter April 1860.

Minute by the Honble Mr Maltby

States that all due honors should be paid by native officers to the Zamorin of Calicut but that this should be done by the use of such terms as assign honors to the Prince without keeping up caste distinctions — Here Enter 17th April 1860

Minute by the Honble Mr Morehead

Agrees with the President — Here Enter April 1860.

From the Govt Pleader S.t

Informing that the Mis. Petn presented by Govt Pleader on behalf of the Police Comm.r of Calicut against the decree passed by the Civil Court of Calicut in A. S. Nos. 22 & 93/58 Came on for hearing this morning when prayer of Petn was complied with — (Do — Do — 12th March 1860 No. 48)

The Zamorin of Calicut, ~~who is well known as~~ was the first Indian Prince who was brought into con=nection with Europeans after

Amin

See Bills

Rajah

Zamboram

Copy with Letter to Govt Sec.t dated 16th May 60 No. 75 A

No. 809 A

Minute by the Hon.ble Excellency the Commander in Chief

Dated 16th April 1860.

Agrees with the view taken by the President in the matter referred to the Govt in the Letter from the Collector of Malabar dated 2nd Instant

Dated 16th April 1860

Recd.

Proposes that the Collector of Malabar be instructed to inform the Zamorin of Calicut that the Govt cannot support them in withholding from the Zamorin of Calicut the usual marks of respect.

Revenue 1860 Dept. Proc.s 23rd May 1860 No. 809

Minute by the Honorable President

Agreed

A. 775-14th May

No. 743 dated 2nd May 60 rd 4th

after the discovery of the passage round the Cape of Good Hope; his descendant is now a wealthy mediatized Prince living under ~~the~~ British protection.

2. It is admitted, on all hands, that, according to the social usages of Malabar, this Prince ought to be addressed as Tamburan (Zamorin) by all Hindoos except Brahmins, who call him Rajah.

3. The Tahsildar of Calicut who is not a Brahmin, ~~however~~, designated the Zamorin as Raja only, in a letter to his Highness' Manager; and, when invited by the Zamorin to say that the omission was an inadvertence, he declined to do so; upon which His Highness sued him for damages in the Civil Court. The Judge refused to give damages, not considering the omission of title as "absolutely injurious" to the Zamorin; but he at the same time saddled the Tahsildar with costs, on the ground that he had wilfully and deliberately, and under colour of his official position,

in

Note,
I am not certain of this as respects Persons not being Hindoos. Ellis

* Order 19 March 58 & No. 350.

insulted His Highness's feelings by an infringement of local usage.

4. Upon this the Govt. Pleader was directed to pursue an appeal on the ground that to submit to such a decree would be an undue recognition of the claims of caste. The case came on for hearing on the 2d July last, when the Sadr Adalut reversed the original decree, with the following observations.

"The mere circumstance that the act of one person is hurtful to the feelings of another gives no right of action; and the use of terms of address, however contrary to usage, does not, in their opinion, amount to a breach of privilege calling for remedy by a Judicial tribunal."

The Zamorin, in his turn, contemplates an appeal to Her Majesty in Council: but previously to instituting it he seeks a remedy at the hands of Government.

5. The support given by the Government to the Tahsildar encouraged the Police Amin of Calicut to shew the same disrespect to the Zamorin, and the result has been a similar series of suits.

6. The Govt. have now carefully reconsidered the case. It is not denied that the Zamorin is entitled, by usage to the address upon which he insists. The question at issue is one of social etiquette. The Govt. are of opinion that their subordinates ought not to be encouraged to invade established etiquette. If they are not prohibited from doing so, they should, at any rate, not be upheld and supported if they take that course. They should, at least, indulge their taste or conscience in such matters, at their own risk & cost.

A clerk in the Tithes office (however bigotted a Dissenter) would not be allowed to leave out the words "Right Reverend" or "My Lord" in addressing the Bishop of London in writing; nor would the republican convictions of a receiver of crown rents in the County of Nottingham excuse him from using all usual terms in addressing one of the Dukes. This was the view of the case taken by the Hon. Mr. Walter Elliot who on a letter from the Board of Revenue on the subject, dated the 15th of August 1856, remarked as follows:- The question seems to be merely one of Etiquette. If the right of the Zamorin family to the title Tamburan, is so notorious

so notorious as represented in the petitions, the Tahsildar should undoubtedly have given it to them."

7. On the foregoing considerations the Governor in Council resolves to direct the Collector and Magistrate of Malabar to inform the Tahsildar and Police Amin [illegible], that the Govt. cannot support them in withholding from the Zamorin the usual marks of respect, and that if any further legal Proceedings take place, they must be at the cost of the officers concerned & not of the Govt.

8. The Government Pleader will be informed that the special appeal in the case of the Police Amin referred to in his letter of the 12th March above recorded is not to be proceeded with on the part of Government.

Mr Grant

9. Mr Grant will acquaint the Zamorin with the decision of Government in reply to his petition, and will furnish him with a copy of this order.

[signature]

2 Copies to the Collector of Malabar Dispt. 16
1 " Government Pleader ✓
11 " Board of Revenue ✓

Col. Malabar
Govt Pleader
Bd of Rev for info

25 10
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Duplicate Letter to Engd
Dated 14th July 1760 No. 75.

Revenue 1760 Department.
Pro: of Govt 20th May
No 775.

Pro: of the Madras Govt.
Dd 14th May 1760.

Recd 15th Sept Rec: 19 June 1760 No 1493
in Pro: 6 July 1760.

25/8/16

No 41 at 48.

Collector and Magistrate
of Malabar to inform the Sahibs-
dar and Police Amin of Calicut
that the Government cannot en-
tertain them in withholding re-
from the Zamorin the usual marks
of respect Government Pleader to
be informed that the Special Ap-
peal in the case of the Calicut
Police Amin is not to be proceeded
with on the part of Government.

2 May 60 Rec