M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2623 Press Mis.

238. 241

Dated 17—12—1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 17th December 1862.

Read the following papers:—

No. 238. Proceedings of the Board of Revenue, dated 14th November 1862, No. 7,498.

Read again Board's Proceedings No. 6,668, dated 4th October 1862, on letter from Tinnevelly, dated 22nd September 1862, No. 402.

Read also the following letters:—

From J. SILVER, Esq., Collector of Tinnevelly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 25th October 1862, No. 446.

SIR,

1. In reply to the Board's Proceedings dated 4th October 1862, inquiring under what circumstances Mr. Underwood took the Oaths of Justice of the Peace, and whether his name is included in the Commission for the Madras Presidency, I have the honor to report, that when Mr. Underwood joined this District last year, I directed him to take the usual oaths of office in the Zillah Court at this station, together with the oaths as Justice of the Peace, as he was to be stationed at Tuticorin where there is a tolerably large European community. His predecessor Mr. Wright, in like manner took the oaths as Justice of the Peace before being stationed at Tuticorin. If I ought in the first instance to have requested sanction for the European Deputy Magistrate being sworn in as Justice of the Peace, I regret the oversight, but it did not occur to me to do so. On receipt of the Board's Proceedings under acknowledgment, I inquired at the Sessions Judge, if the circumstance of Mr. Underwood having taken the oaths as Justice of the Peace had been reported by him to Government, as is I believe usual, and I have been informed by Mr. Goldie under date the 4th instant, that Mr. Underwood was sworn in on the 30th August 1861, before Mr. Goldingham, acting temporarily during Mr. Goldie's absence, but that it did not appear, that it had been reported to the Chief Secretary to Government by Mr. Goldingham, and this omission Mr. Goldie informed me he had now rectified.

2. As the point whether Mr. Underwood should remain at Tuticorin, in charge of the general duties of the two eastern Talooks Ottapedaram and Tenkarai, as proposed by me, depended on whether or not he was a Justice of the Peace, I beg again to recommend the same. If the Head Assistant is placed at Tuticorin, in event of his removal or promotion to an acting higher appointment, it will necessitate continual changes in the District, by moving another Officer to take his place temporarily, unless, which can hardly be expected in the present state of the service, another Officer will always be available for the post of Head Assistant. Last year, on the representations of the Tuticorin merchants made through the Chamber of Commerce, Government ordered the Head Assistant Mr. Garstin to leave his own Division of the District, and proceed to Tuticorin, and remain there, until the arrival of Mr. Underwood, Mr. Wright being then absent from sickness. Mr. Underwood who has just got his promotion as a second Class Deputy is not likely to be moved, and I would beg again to submit for the consideration of the Board, that he should remain at Tuticorin, so as to have an European Magistrate always in that locality.

3. I beg also to submit for the consideration and orders of the Board, copy of a remonstrance from the Acting Sub-Collector Mr. Kindersley, against being moved to Strivilliputtur, till further accommodation is provided at that place.

4. On Mr. Kindersley's letter I have merely to remark, that his description of the Bungalow at Strivilliputtur is correct, with the addition that there is a broad verandah round all four sides of the building, and very good out-houses and stabling. In the Town of Strivilliputtur less than a mile from the Bungalow, there is the old Palace of Tirumalai Naik, now divided into a Moonsiff's Court and Talook Cutcherri. That portion assigned for the Tahsildar affords ample accommodation not only for the Records of the Sub-Collector's Office, but for all his Establishment, in addition to that of the Talook. The Sub-Collector's Establishment might be accommodated there as a temporary measure, and the Bungalow given up entirely to the Sub-Collector's private use, having his Moonshees to attend at the Bungalow, till a new Sub-division Cutcherry was built. A building of three good sized rooms, one for the Sub-Collector, one for the office

servants, and one for the records would suffice. But from the vast size of the old Palace in the Town, it has been found requisite to take means to throw more light into the building, and estimates are now under preparation for this purpose, and for providing for a subsidiary Jail. It could not therefore be made available, till these improvements have been carried out.

5. As regards the buildings at Sharenmadevy which Mr. Kindersley speaks of as being his property, Mr. Kindersley only means that he is in temporary occupation of them, as Acting Sub-Collector. The public and private accommodation at Sharenmadevy has all been provided by former Sub-Collectors of this District, who have left them to their successors, free of charge, and Mr. Kindersley has neither purchased them nor added to them. They cannot therefore be regarded as the property of a Sub-Collector, any more than of any other Officer in the District.

6. Pending receipt of the orders of the Board, I have placed Ramiah Deputy Collector in charge of the Salt, and directed Mr. Underwood to undertake the general duties of the two eastern Talooks remaining at Tuticorin. The Head Assistant Mr. Garstin has not yet returned from leave of absence, and as it is desirable that the re-arrangement of the District should be finally determined on, I beg to solicit the early instructions of the Board.

ENCLOSURE No. 1.

From F. M. KINDERSLEY, Esq., Acting Sub-Collector, to J. SILVER, Esq, Collector of Tinnevelly, dated Palamcottah, 21st October 1862, No. 106.

SIR,

1. I have the honor to request that you will forward for the consideration of the Board of Revenue, and eventual submission to Government the following remarks on the Order of Government dated 6th October 1862, No. 2,142, directing that the Sub-Collector of this District should be stationed at Strivilliputtur instead of at Sharenmadevy as heretofore.

2. It is proposed to give the Sub-Collector the public Bungalow at Strivilliputtur for the accommodation of his Cutcherry *and* private Establishment, and to make an addition of a record room hereafter, the records being meanwhile deposited in the building used for the Talook Cutcherry.

3. I would respectfully submit that, irrespective of the records, there is not sufficient accommodation for the Sub-Collector's office and private Establishment in the public Bungalow, which consists of only two rooms and two bath rooms. A Sub-Collector requires for his Cutcherry Establishment at least two rooms: one for the office servants and one for the Sub-Collector himself, or one for the Sub-Collector with the Revenue and Magisterial Clerks, and one for the Sheristadar and his Gumashtas; it would be impossible for the Sub-Collector to transact business satisfactorily with the Sheristadar and all the rest of the Cutcherry servants sitting round, comparing accounts and copies of documents, and otherwise making noise and confusion; besides if the whole Establishment were confined to one room there would, in the event of a moderate number of Defendants appearing in any Magisterial case, be an excessive number of persons crowded together. I think it may fairly be granted that two rooms at the very least are required for a Sub-Collector's Cutcherry.

4. This being the case there would manifestly be no room for the private Establishment of the Sub-Collector. But even if one room were said to be sufficient for the Cutcherry, I would respectfully submit whether one room can be considered as affording sufficient accommodation for the private Establishment of an Officer of the standing of a Sub-Collector? I do not think that the answer can fairly be in the affirmative.

5. I would therefore respectfully request that as it is considered necessary to move the Sub-Collector's head quarters to Strivilliputtur, and as the Bungalow at that place is not more than is sufficient for the accommodation of the private Establishment of an Officer of the standing of a Sub-Collector, Government would provide proper accommodation for the Cutcherry, and that the change should not be carried into effect until such accommodation be provided.

6. At the same time I would take the opportunity of pointing out, that at Sharenmadevy there has been built by Sub-Collectors at their own expense, accommodation for both private and public Establishments; there are two rooms for the Cutcherry one for the Sheristadar, one for the Revenue and Magisterial Clerks, there is also a record room which contains the records of the Sub-Collectorate. This accommodation which is now my property, is more than is required for either a Head Assistant or Deputy Collector, and has been provided entirely out of the private purse of the Sub-Collectors, and I submit that it would be a great hardship to move me to Strivilliputtur until sufficient accommodation is either provided for me by Government, or until I have had sufficient time to provide it myself.

(True Copy.)

(Signed.) J. SILVER, *Collector.*

From the same Officer, dated 3rd November 1862, No. 470.

1. Referring to my letter of the 25th ultimo, No. 446, on the re-arrangement of the District as regards the charges of the Subordinate Officers, I have the honor to submit for the consideration of the Board, copy of the Proceedings of the Madras Government dated 28th October 1862, No. 1,770, to the effect that Mr. W. E. Underwood cannot be recognized as a Justice of the Peace.

2. If therefore Tuticorin is in future to be the station of the Head Assistant, Mr. Underwood should now as a temporary measure be placed at Strivilliputtúr, pending the alterations in the Talook Cutcherry, before the Sub-Collector, is moved to that station.

3. Referring to the 1st paragraph of the Government Order, I have the honor to state that on searching the files of the "Fort Saint George Gazette," the last List of Justices of the Peace for the Madras Presidency, I find published, is dated 12th August 1859, and in this List neither the Acting Joint Magistrate Mr. F. M. Kindersley, nor my Head Assistant Mr. Garstin, are included, though both have taken the oath, as Justice of the Peace. Mr. Garstin only received his first appointment in 1859. I have now requested the Chief Secretary to Government to have these two gentlemen brought on the Commission of the Peace, as well as G. A. Phipps, Esq., Master Attendant at Tuticorin, who took the oath as Justice of the Peace before the Court at Tinnevelly in July 1859, during my absence on leave in England.

ENCLOSURE No. 1.

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from the Session Judge of Tinnevelly.

(Here enter 14th October 1862, No. 693.)

ORDER THEREON, 28th October 1862, No. 1,770.

1. Mr. W. E. Underwood not having been brought on the Commission of the Peace, had no authority to take the oath as a Justice of the Peace, and cannot be recognized as such.

2. The Civil Judge will intimate this to him accordingly. It must be left to the Magistrate of the District, if he finds it necessary, to apply to Government to increase the number of Justices in his District.

(True Extract.)

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

(True Copy.)

(Signed.) J. H. GOLDIE, *Session Judge.*

1*st November* 1862.

To the Magistrate of Tinnevelly for his information and for communication to the Deputy Magistrate Mr. W. E. Underwood.

(True Copy.)

(Signed.) J. SILVER, *Collector.*

1. Ordered that the above papers be submitted to Government, with reference to their Proceedings, No. 2,142, Revenue Department, dated 6th October 1862.

2. The Board leave it for the decision of Government whether European Deputy Collectors and Magistrates may advantageously be vested with the powers of a Justice of the Peace, but they would suggest that the names of all existing Head Assistant Collectors, and Acting Head Assistants be added to the roll.

3. The Board remain of opinion that Tuticorin should be the permanent head quarters of the Head Assistant Collector.

4. When advocating the change in the charge and head quarters of the Sub-Collector, the Board did not take into consideration the circumstance of the existing Office accommodation at Sharenmadevy being private property, and they would submit for the consideration of Government that the necessary office accommodation should be at once provided at Strivilliputtur, and that the whole of the public Bungalow there should be given up for the Sub-Collector's residence with such additions, to the extent if necessary of an upper story, as may render its accommodation sufficient for a married Officer, and equivalent to that which will be relinquished to Government at Sharenmadevy and be at their disposal to rent if they think fit so far as the residence is concerned. The Collector should submit plans and valuation estimates of the residence and office buildings at this last station and explain how a fair adjustment or transfer of the property can be made so as to place the Sub-Collector in an equally good position at Strivilliputtur in regard to accommodation without undue cost to Government.

(True Copies and Extract.)

(Signed.) W. HUDLESTON, *Secretary.*

No. 239. Official Memorandum from W. ROBINSON, Esq., Inspector General of Mofussil Police, dated Madras, 21st November 1862.

1. On the subject of the future station of the Joint Magistrate of Tinnevelly, I would venture to urge that Covilputty is a much more central and accessible position for the Joint Magistrates' head quarters than Streevellipootoor. Streevellipootoor is quite at the extremity of the District, and as inconvenient for the public as I should think for the Joint Magistrate, considering the position of the *Talooks* under his charge.

2. It is of great importance that the Police charge of the Assistant Superintendent and the Magisterial charge of the Joint Magistrate should if possible be one, and that the Assistant's head quarters should be with the Joint Magistrate. Streevellipootoor is very ill suited for Police head quarters. Covilputty on the contrary is very central, close to the Ettiapurom *Zamindary* which needs watching and otherwise convenient for the control of the country and patrol of the great thoroughfares. I would therefore strongly urge the selection of this place for the Joint Magistrate's head quarter. I am most anxious to move the Assistant's head quarter thither.

3. With reference to the stations of the Second Deputy Magistrate of Tinnevelly, I would observe, that readily accessible Magistracy is now more than ever important under the new Police arrangement and to meet the operation of the Penal Code. I should, therefore, earnestly urge that the two Deputy Magistrates should have separate charges and be placed at different stations. By placing both at Tuticorin the usefulness of one Deputy Magistrate must be greatly lessened. I would venture to urge that one be placed at Tuticorin. He might take the charge of the Salt Pans in that part of the District, and that the other be at Tritchindoor with the Magisterial charge of neighbouring *Talooks* and Salt Pans. Both places require a resident Deputy Magistrate.

No. 240. Proceedings of the Board of Revenue, dated 6th December 1862.

Read the following letter from J. SILVER, Esq., Collector of Tinnevelly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Tinnevelly, 10th November 1862, No. 482.

SIR,

1. In continuation of my letter of the 3rd instant, No. 470, I have the honor to submit to the Board, copy of a letter I have addressed to the Chief Secretary to Government, under this date.

2. Mr. Underwood has addressed me demi-officially, strongly pressing that he may be brought on the Commission of the Peace, in consideration of his station in the service, and of his having already taken the oath by my directions, as reported to the Board in my letter of the 25th ultimo, No. 446.

3. If the Board and Government accede to my recommendation that Mr. Underwood should not be moved from Tuticorin, it is desirable that he should be vested with the powers of a Justice of the Peace, as he exercises the full powers of a Magistrate.

4. As regards my Salt Deputy Ramiah, I beg to recommend that he may be stationed at Tritchindoor, and have Magisterial charge of that town, for the following reasons.

5. On the 20th of this month, the Superintendent of Police will take up the Talook of Tenkarai, consisting of the combined old Talooks of Streevycoontam and Panchamahl, of which last, Tritchindoor is the Cusbah town.

6. The Tahsildar of Panchamahl will then vacate office, and the Talook establishment at Tritchindoor, the Cusbah, be broken up. Only one Sub-Magistrate is allowed for the Tenkarai Talook, who is to be stationed at Coolasegarapatam, 12 miles south of Tritchindoor, and where there is now a Police Amin. It is highly desirable that there should be a Magisterial Officer at Tritchindoor. It is a large and important town, and the Brahmins who form a large portion of the population are often turbulent and have faction fights. I think it would be an excellent plan to station my new Deputy there, with charge of the Salt, and Magisterial charge of the town, leaving the rest of the Talook under the Deputy for general duties.

7. I have had under consideration a plan of dividing the Salt charge, placing Mr. Underwood at Tuticorin with the general duties of the Ottapedaram Talook, and charge of the northern Salt Pans; and Ramiah at Tritchindoor with the general duties of the Tenkarai Talook, and in charge of the southern Salt Pans. On full consideration, however, I think it will be best to have the Salt charge undivided under one Officer. Tritchindoor is not so centrical as Tuticorin, but Ramiah is a smart and active Officer, and will not, I am sure, allow that to interfere with his travelling and visiting the Pans, while the advantage of having a Deputy Magistrate with head quarters at Tritchindoor, and in charge of the town, is great.

8. If the Board and Government are now pleased to accede to my recommendation regarding the stations of my subordinate Officers, the District will be divided as follows:—

Collector Head Quarters.	*Charge.*
Tinnevelly.	The Tinnevelly and Tenkasy Talooks, the two centre Talooks of the District, and general superintendence.
Sub-Collector Head Quarters.	*Charge.*
Streevellipootoor to be moved after completion of the alterations to the Talook Cutcherry.	The Sattoor, Streevellipootoor and Sankerninarcovil Talooks, the three northern Talooks of the District.
Head Assistant Head Quarters.	*Charge.*
Sharenmahdevy.	The Ambasamudrum and Nanguneri Talooks, the two southern Talooks of the District.
Deputy Collector for general duties, Head Quarters.	*Charge.*
Tuticorin.	The Ottapedaram and Tenkarai Talooks, the the two eastern Talooks of the District and the Sea Customs.
Salt Deputy Collector Head Quarters.	*Charge.*
Tritchindoor.	The Salt and Magisterial charge of the town of Tritchindoor.

9. I submit the above arrangements for the approval of the Board and Government after very careful consideration, and I look on them as the best that can be made for the District.

1. Ordered to be submitted to Government in continuation of the Board's Proceedings dated 14th November 1862, No. 7,498, now before Government.

2. The Board adhere to their opinion that Tuticorin should be the head quarters of the Head Assistant to the Collector, and they consider this place also the best for the head quarters of the Salt Deputy Collector, who should not be diverted from his more immediate duties which require constant itinerating through the coast villages, by an onerous Magisterial charge. If Tritchindoor in his opinion needs the services of a resident Magistrate, the Collector should have recommended such an appointment, as a necessary consequence of the amalgamation of the Talooks. The Board are however aware that he selected Coolasagarapatam in preference, and they are not convinced of the necessity of any further addition

3. The Board do not see why the Head Assistant Collector and the Deputy Collector for general duties should not divide between them the Talooks which Mr. Silver proposes to retain immediately under himself, and thus relieve the Collector of all details, he being also at liberty to avail himself of the assistance of the Treasury Deputy in disposing of Magisterial cases arising in the Hoozoor station at Palamcottah and Tinnevelly. The Collector would then be able more effectually to exercise his proper duty of general supervision and administration of the District, and the Appellate jurisdiction of Chief Magistrate.

4. The Board have no intention to deprecate Mr. Underwood's qualifications, but the distribution of the District charges should be made on general considerations and not with reference to individual Officers, who are liable at any time to be removed and may be succeeded by others of very different qualifications from their predecessors.

(A true Copy and Extract.)

(Signed.) W. HUDLESTON, *Secretary.*

No. 241. ORDER THEREON, 17th December 1862, No. 2,623.

1. In their Order of the 6th October 1862, No. 2,142, the Government, acting on the recommendation of the Board of Revenue and the Collector, determined on locating the Sub-Collector of Tinnevelly at Streevellipootoor. The Inspector General of Police, in his Memorandum above recorded, strongly urges that the Sub-Collector should be stationed at Covilputty, as being more convenient for Police and Magisterial purposes. The reasons assigned by Mr. Robinson for preferring Covilputty to Streevellipootoor appear to the Government to be valid and they resolve therefore, in supercession of their former orders, to constitute Covilputty the station of the Sub-Collector and Joint Magistrate.

2. The Board will ascertain whether the public Bungalow or any other building at Covilputty is available for the Sub-Collector's Office, and if not they will procure plans and estimates for a suitable Office, as the Government desire that the present order be carried into effect without delay.

3. Under the circumstances stated in paragraph 4 of Mr. Silver's letter to the Board, dated 25th October 1862, No. 446, the Government do not consider it in any way incumbent on them to provide a residence for the Sub-Collector. If a public building can be made available for the purpose, at a reasonable cost, they will consent to its being placed at his disposal, on a fair rental. The Cutcherry however is *not* to be in the Sub-Collector's house.

4. As to the question whether the Head Assistant or Deputy Collector should be stationed at Tuticorin, the Government think the best course is to leave the Collector to recommend to the Board from time to time, the Officer best fitted by his personal qualifications for the charge. Mr. Underwood has lately been made a Justice of the Peace and the Government have no objection to his remaining at Tuticorin, if the Collector wishes it.

5. The Government concur with the Collector and Mr. Robinson that one of the Deputy Collectors should be stationed at Tritchindoor instead of both being at Tuticorin. They doubt whether the arrangement proposed by Mr. Silver will be found so convenient as a division of the Salt Department between the two Deputies with a larger Revenue and Magisterial charge for each. The Deputy at Tritchindoor if he has the whole of the Salt Department, will be frequently

absent and at a distance from Tritchindoor and it does not appear how the consequent delay in the disposal of his magisterial work is to be obviated. The Government wish Mr. Silver to give this matter further consideration. Meanwhile the arrangement he proposes can be tried.

6. The Government do not think it necessary or desirable to lay down a general rule as to whether European Deputy Collectors and Magistrates should be appointed Justices of the Peace. There can be no objection to those who are qualified to exercise such powers being vested with them when it is likely that they will be called into exercise. Head Assistant and Acting Head Assistant Magistrates should as a rule be made Justices of the Peace, as they must all have had considerable magisterial experience before their promotion to that grade.

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

No. 6,668.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th October 1862.

Read the following letter from J. SILVER, Esq., Collector of Tinnevelly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Tenkasy, 22nd September 1862, No. 402:—

With reference to the Proceedings of the Board of Revenue dated 13th September 1862, No. 6,109, I have the honor to state that Mr. Underwood, Deputy Magistrate, has taken the oaths as Justice of the Peace.

The Collector will please to report under what circumstances Mr. Underwood took the oaths in question, and whether he is included in the Commission for the Madras Presidency.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. Silver, Esq., Collector of Tinnevelly.

Exd. J. Wright.

Pro. No. 43-44
6-10-62

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dated 14 Oct 62 No 7498.

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No.

PROCEEDINGS OF THE BOARD OF REVENUE

Dated 4th October 1862.

Despatched

Received

No. 6,668.

Requesting to report the circumstances under which Mr. Underwood took the oaths in question.

D. 258