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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

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GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

18th November 1878, No. 2328.

Nilgiri District.

Read the following papers:—

No. 68. *From R. S. BENSON, Esq., Acting District Magistrate of Nilgiris, (through the Commissioner of Nilgiris), to the Chief Secretary to Government, dated Nilgiris, 7th August* 1878, *No.* 97.

G.O., No. 876, dated 26th April 1878, appointed Benches of Magistrates for—(1) South-East Wynad, (2) Kotagiri, but the limits of their jurisdiction are not laid down.

2. I presume the local jurisdiction of the South-East Wynad Bench is conterminous with the jurisdiction of the 2nd-Class Magistrate of Gudalur, that is, extends over the three Amshoms of South-East Wynad and the Ouchterlony Valley. It was plainly the intention of Government to include the latter as several of the Special Magistrates are chosen from that tract.

3. A question has, however, arisen as to the local limits of the jurisdiction of the Kotagiri Bench. In the Notification they are appointed as Special Magistrates "for Kotagiri." If they have jurisdiction only within the settlement, their usefulness will be greatly restricted. A main object of their appointment was to facilitate the issue of process in cases arising at a distance from Wellington and Coonoor, that is in cases arising in the extreme north and east of Paranginad and some of the residents of those parts were accordingly selected as Special Magistrates, *e.g.*, Mr. Hill of Kodanad.

4. I would suggest that a notification be issued under Section 42, Criminal Procedure Code, giving the Kotagiri Special Magistrates jurisdiction over the whole of Paranginad, except the Cantonment of Wellington and the Settlement of Coonoor.

5. Another question has just arisen as to the jurisdiction of Joint Magistrate of Ootacamund—G.O., 10th March 1869, No. 371, defines his jurisdiction as extending to "Todanad, Seegoor, Koondahs and that portion of Mekenad within three miles radius of Ootacamund," the object being to give him jurisdiction over all the Ootacamund Settlement including the Lawrence Asylum where a good many cases seem to arise. In September 1878 it was considered advisable to transfer the Ouchterlony Valley to the 2nd-Class Magistrate of Gudalur, and in his letter, No. 99, dated 8th September 1877, Mr. Knox requested Government to notify the limits of the Joint Magistrate as extending to "Seegoor, Koondahs and Todanad excepting the Ouchterlony Valley." He added "the effect of this notification will exclude the Ouchterlony Valley, as is intended without otherwise altering the jurisdiction." As a fact, however, it did alter the jurisdiction as it (unintentionally) omitted all mention of the section of Mekenad included within the Ootacamund Settlement. The result being that cases arising at the Lawrence Asylum have to be tried at Wellington.

6. I would suggest that a notification be issued declaring that "Seegoor, Koondahs, Todanad excepting the Ouchterlony Valley, and so much of Mekenad as lies within the Ootacamund Settlement," shall form a division of a district in charge of the Joint Magistrate of Ootacamund.

Submitted to the Chief Secretary to Government for orders. The Commissioner concurs with the District Magistrate.

OOTACAMUND, *10th September* 1878. (Signed) R. W. BARLOW, *Acting Commissioner.*

No. 69. *From R. S. BENSON, Esq., Acting District Magistrate of Nilgiris, to the Acting Chief Secretary to Government, dated Nilgiris, 17th September* 1878, *No.* 139.

On the 21st August last the Commissioner of the Nilgiris forwarded to me a letter from the Superintendent of the Government Cinchona Plantations regarding the transfer of the Cinchona Plantations from the local jurisdiction of the Joint Magistrate of Ootacamund to that of the Second-class Magistrate of Gudalur and requested my opinion on the proposal.

2. In my letter, No. 115, dated 26th August, I replied in the following terms:—

"Mr. Rowson requests that the Government Cinchona Plantations (presumedly those of Neddivattam and Pykarah) may be transferred from the local jurisdiction of the Joint Magistrate of Ootacamund to that of the Second-class Magistrate of Gudalur on the following grounds:—

"(*a.*) Gudalur is only some ten miles from the Plantations, while Ootacamund is nearly twenty. It thus only takes one day to go to Gudalur, lay a complaint and return, whereas it takes two or three days to do the same at Ootacamund.

"(*b.*) Gudalur is on the road which defaulting coolies always take when running away to Mysore, and therefore a warrant if at once applied for is generally in time to be at once executed; whereas Ootacamund being in the opposite direction and far away, the cooly has time, under the present arrangements, to escape before the warrant can reach him.

"(*c.*) The coolies being aware of the above state of facts are little under control, taking advances freely and absconding without fear, undeterred by Act XIII of 1859, which is practically inoperative owing to the distance of the Magistrate at Ootacamund.

"The above statements are, no doubt, quite correct, and the transfer to Gudalur of the estates in that neighbourhood would be desired by the planters and facilitate legal remedies when required. The main objections to the transfer are—

"(*a.*) The present boundaries are well defined and well known to the people; whereas if one or two estates above the ghats are transferred others may wish to follow and confusion may be introduced regarding the Magistrate to whom application should be made in each case.

"(*b.*) The Second-class Magistrate of Gudalur is overburthened with work at present and it is not advisable to increase it or lessen the work of the Joint Magistrate of Ootacamund.

"On the whole I would not oppose the transfer if, in the interest of the plantations, you thought it expedient. The transfer should, however, affect only the Neddivattam Government Plantation and the Ossington Estate. The Pykarah Government Plantations and the other estates in the neighbourhood are as accessible to Ootacamund as Gudalur and should remain under the Joint Magistrate of Ootacamund.

"If you propose to ask the consent of Government to the above I would suggest immediate application, as they have before them under consideration at present my letter, No. 97, dated 6th August 1878, in which some questions of local jurisdiction are raised, and it would be convenient to consider and settle the whole subject at one time."

3. With reference to the above, the Commissioner in his letter, No. 183, dated 13th September 1878, requested me to address Government with a view to the proposed change being made with regard to the Neddivattam Government Cinchona Plantations and the Ossington Estate.

4. If Government approve of the proposed change the notification which was proposed in my letter, No. 97, dated 6th August 1878, paragraph 6, should declare that Seegoor, Koondahs, Todanad (excepting the Ouchterlony Valley and the Ossington Estate and Government Cinchona Plantations at Neddivattam), and so much of Mekenad as lies within the Ootacamund Settlement shall form a division of a district in charge of the Joint Magistrate of Ootacamund.

No. 70. ORDER THEREON, 18th November 1878, No. 2328.

Ordered that the following Notification be published in the *Fort St. George Gazette* and in the *Nilgiri District Gazette*:—

NOTIFICATION.

In modification of previous Notifications and under the provisions of Sections 39 and 40 of the Code of Criminal Procedure, His Grace the Governor in Council is pleased to divide the Nilgiri District into three Divisions and to place the said Divisions under the charge respectively of the Magistrates hereunder stated:—

DIVISION I, consisting of, and comprising the local limits included in, the tracts known as Seegoor, Koondahs, Todanad (excepting the Ouchterlony Valley, the Ossington Estate and the Government Plantations at Neddivattam), and so much of Mekenad as lies within the Settlement of Ootacamund—under the charge of the Joint Magistrate of Ootacamund.

DIVISION II, consisting of, and comprising the local limits included in, the three* Amshoms of South-East Wynad, the Ouchterlony Valley, the Government Plantations at Neddivattam, and the Ossington Estate—under the charge of the Second-class Magistrate of Gudalur.

*Cherankod.
Munanad.
Nambulakod.

DIVISION III, consisting of, and comprising the local limits included in, the tracts known as Peranginad, and Mekenad, excepting such portion of the latter as lies within the Settlement of Ootacamund—under the charge of the Cantonment Magistrate of Wellington.

With reference to the Notification published under date the 26th April 1878, and under the provisions of Section 42 of [illegible] Grace the Governor in Council is pleased to declare that—

(*a*) the jurisdiction of the Bench of Honorary Magistrates, appointed for South-East Wynad, shall extend over the limits of Division II of the Nilgiri District as above constituted; and

(*b*) the jurisdiction of the Bench of Honorary Magistrates appointed for Kotagiri shall extend over the whole of Paranginad except the Settlement of Coonoor.

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

Acting Chief Secretary.

To the Commissioner of the Nilgiris.
" District Magistrate of Nilgiris.
" Joint Magistrate of Ootacamund.
" Cantonment Magistrate of Wellington.
" Revenue Department.
" Accountant-General, with reference to G.O., 14th January 1869, No. 58.

Exd. T. O'Connor.

JUDICIAL.

NOVEMBER.
Nos. 68—70.