

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	113	Press
		~~Mis.~~
	21-22	
Dated	26-1-	1905

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 1st February 1859.

Read the following Petition.

No. 21. To the Right Honorable LORD HARRIS, Governor in Council, &c., &c., &c., Fort St. George.

MY LORD,

I beg most respectfully to bring to your Lordship's notice, a case of abuse of authority, which occurred yesterday at the Court of Small Causes, and to request that your Lordship in Council will be pleased to take it into consideration.

I appeared before the said Court in a case in which an acquaintance of mine was the defendant; but Mr. Cower, who was the presiding Judge, took it upon himself to object to my appearing or acting at all in the said Court as Agent or Attorney, because my application to the Sudr Udalut to be re-admitted as a Pleader was refused; and that he would not consequently allow me to practice in his Court also.

In the first place, your Lordship will observe that the Act IX of 1850, does not empower the said Court of Small Causes to enquire into or investigate any matter or circumstance connected with any Agent or Attorney whom suitors may choose to nominate and employ.

In the second place, the circumstances connected with my application to the Sudr Udalut Court not being before the said Court of Small Causes, and the Court being perfectly ignorant of the reason why the moiety of the Judges of the Sudr Udalut refused the same, Mr. Cower was not in a position to determine on its justice or otherwise, granting even that he had the power to investigate the matter, and consequently the manner in which he acted was an unwarrantable stretch of authority.

And in the third place, no one having taken exception to my being allowed to practice in the said Court of Small Causes, and that, in consequence of my having been so refused in the Sudr Court, the conduct of the Acting third Judge Mr. Cower was, to say the least of it, most gratuitous and unbecoming and a flagrant abuse of authority; inasmuch as acting, as I believe he did, upon private communications made to him out of Court, he availed himself of the shelter of the bench to insult a gentleman in defiance of the Law and Rules, and, as it would seem, to serve a friend or a purpose.

On being questioned by me as to his power or authority for so refusing to allow me to act in the said Court of Small Causes, his answer was that he had a discretionary power, which, however is not allowed or implied either in the Act or the Rules framed by the first Judge of the said Court and approved of by the Judges of the Supreme Court. But granting even that he did possess such discretionary power, I respectfully submit that no Judge can or is allowed to exercise such power in any case on grounds not before him officially and in a regular form.

I now beg leave respectfully to appeal to your Lordship in Council against such wanton and outrageous insult, as I have no other means of redressing the affront thus publicly thrown at me, and because, if such proceedings are to be tolerated, there is no saying to what excess such abuses might not be carried in the said Court of Small Causes, presided over by the said Acting third Judge Mr. Cower, on any future occasion of my going within the precincts of the said Court.

I have the honor to be,

My Lord,

Your most Lordship's obedient Servant,
(Signed) V. S. SAM,

Madras, 20th January 1859.

No. 22.

ORDER THEREON, No. 113; dated 26th January 1859.

Referred to Mr. Cower, for report.

(Signed) T. PYCROFT,
Chief Secretary.

10113.

Referred to Mr. Cover,
for report - D.H. 23/1/59

Fort St. George.
26 July 1859.

To J.E. Cover Esq. - By third party - 3 (Supd. 31st)
M. C. of S. places.