

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	209	Press
		~~Mis.~~
5-6		
Dated	16-2-	1918

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 25th February 1859.

No. 5. Read the following letter from G. E. COWER, Esq., Acting Third Judge, Madras Court of Small Cause; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 3rd February 1859, No. 12.

SIR,

Para. 1. With reference to the petition of Mr. V. S. Sam, dated 20th January 1859, and referred to me with Extract from the Minutes of Consultation, under date the 26th January 1859, I have the honor to report for the information of the Right Honorable the Governor in Council, that I did as is alleged, decline to hear the petitioner as a Pleader, in a case before me, which I adjourned to admit of the suitor securing the assistance of a less questionable advocate.

2. On the date of its occurrence, I made known this circumstance to Mr. Fullerton, the 2nd Judge, and I have every reason to believe, he fully concurs in the propriety of the course adopted by me, and I am not aware that the petitioner has taken any steps to obtain Mr. Fullerton's opinion, which he might have done, by means of an application to a full bench, the ordinary course, with parties who may be dissatisfied with the ruling of a single Judge.

3. In adopting this course, I have but exercised what I believe to be, the indisputable right of every Judge, namely, to exclude as advocates, all persons of doubtful character.

4. The class of men practising as Pleaders, or Agents, before the Madras Court of Small Causes, now forms a very numerous body, in fact I may almost say, a recognized profession, to whom are daily entrusted interests, not perhaps intrinsically great, but still of quite as much moment to the parties concerned, as those of greater value litigated in the Superior Courts, and it is the determination of the Judges of the Small Cause Court, to scrutinize minutely the acts of these practitioners, and to exclude all persons of tainted reputation.

5. In proof that this decision of the Judges, is not uncalled for, I may mention, that the acts of certain Pleaders of the Small Cause Court, have already formed the subject of Judicial investigation before the Supreme Court, and more than once, of preliminary enquiry, before the Police authorities.

6. It is not at all times, that the Judges have the power of dealing with these cases summarily, or indeed of reaching them at all, but the case of the petitioner under remark, formed an exception, and was in my mind of a character so clear, and unmistakable, that I had not the slightest hesitation in dealing with it summarily. The petitioner on his own shewing, was refused readmission as a Pleader in the Sudr Court, and I was, and still am of opinion, that the gentlemen who presided as Judges there, were best competent to decide on his eligibility, or otherwise, to resume the profession which he had practised for years under their immediate supervision, and having pronounced against him, they must be presumed to have done so on good and sufficient grounds; their judgment now stands officially recorded, and clearly petitioner is not a person, who can be admitted to practice in the Small Cause Court, where from the very stupidity and ignorance of the great mass of suitors, malpractices may be said almost to suggest themselves to the evil-disposed.

7. If facts much to the prejudice of one of the Pleaders, or other officers of the Court, had reached me through the channel of public report only, I should still have demanded an explanation, as I did from the petitioner, and such a case is, I submit, perfectly distinct from that of a Judge who avails himself of private communications, made to him out of Court, in determining matters affecting the rights of suitors, who appear before him; in this case however I beg to state, the facts detailed in para. 6 were brought to my notice, by Mr. Burgass the 1st Judge, in Court, before his departure from Madras, and it was resolved, that unless the petitioner could fully, and fairly, account for his rejection by the Sudr Court, he was to be refused a hearing on his first appearance in Court. The only explanation of the matter vouchsafed by the petitioner was, that one of the Sudr Judges, entertained an unfounded, and extravagant prejudice against him, and expelled him from his Court accordingly.

8. It is needless to say, I considered such an explanation altogether unsatisfactory, and perfectly devoid of truth, and I refused absolutely to hear the petitioner then, or subsequently, until he should have cleared himself of the stain attaching to his character, and in so doing, I believe, I but acted as the mouthpiece, to convey the unanimous opinion of the full Court.

9. I trust it is unnecessary for me to repudiate the charge conveyed in the latter part of the 5th para. of the petition, more especially, as it seems to me that beyond his own unsupported

Fort St. George, Judicial Consultation, 25th February 1859.

suggestion, the petitioner has failed to show, how, or in what manner, I "served a friend or a purpose," and I confess, I am myself at a loss to see, how the utmost ingenuity could put such a construction on my conduct.

10. It is at all times a graceless task, to tell unpalatable truths, but on the occasion under reference, I am not aware that my demeanour was unnecessarily harsh, or in any way insulting, or that I acted in a more peremptory manner than was called for by the occasion, and was, I respectfully submit, rendered necessary, in the independent discharge of my duty to the public, and the Government I have the honor to serve.

No. 6. ORDER THEREON, No. 209; dated 16th February 1859.

Resolved that Mr. V. S. Sam be informed that the Government having referred to the Acting Judge of the Small Cause Court on the matter of his Petition of the 20th Ultimo, have found no grounds for their interference in his case.

(Signed) T. PYCROFT,
Chief Secretary.

No. 209.

Resolved that Mr V S Sam be
informed that the for. having
referred to the Acting Judge of
the Small Cause Court on the
matter of his Petition of the 20
ultimo, have found no grounds
for their interference in his case

Fort St George
16 February 1859

Mr V S Sam

Actg Jd. Judge SC Court } Dispt 19th

JPS

without
purport