M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 451 Press Mis.

58-60

58-60

Dated 16.4.1860 19 .

10/11

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, for the month of April 1860.

Read the following papers :—

No. 58. From C. F. CHAMIER, Esq., Register to the Court of Sadr Adálat, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 17th January 1860, No. 3.

1. I am directed by the Judges of the Sadr Adálat to acknowledge the receipt of the Order of Government dated 7th November 1859, No. 1,516, requesting the Judges to state what changes, if any, it will be proper to make in the constitution of the Zila Courts of Guntoor, Rajahmundry and Masulipatam, in consequence of the abolition of the last named Collectorate, and the formation of two new Collectorates, under the designation of the Kistna and Godávari Districts, comprising between them the whole area of the Guntoor, Masulipatam and Rajahmundry Districts.

2. In reply I am directed to state that, the files of the Superior Courts in the three Zilas in question being comparatively light, the Judges see no objection to the abolition of the Masulipatam Zila, and the partition of its territorial jurisdiction between the Guntoor and Rajahmundry Zilas, taking for this purpose the same boundary line which divides the two new Districts of Kistna and Godávari. By this arrangement each of these provinces will have its own Civil and Session Court.

3. The transfer to the Rajahmundry Zila, of the tract of country which falls to the north of the new boundary, and which probably includes little beyond the present jurisdiction of the District Munsiff of Ellore, in the Zila of Masulipatam, will cast no great additional burden on the Courts at Rajahmundry; and the whole tract will be nearer the Zila station than it now is.

4. That portion of the Masulipatam Zila, however, which lies to the south of the new boundary, includes the jurisdictions of *two* District Munsiffs (viz., those of Masulipatam and Bezworah); and, when transferred to the Guntoor Zila, will render necessary the establishment of a Principal Sadr Amín's Court at that station.

5. The work done by the Superior Courts in the three Zilas in question during the year 1858, that is to say, by the Civil Courts and Mufti Sadr Amín's Courts in Guntoor. and Masulipatam, and the Civil Court, Subordinate Judges' Court, and Mufti Sadr Amín's Court in Rajahmundry, is shown below:

		Original Suits.	*Appeal Suits.*	*Criminal Cases.*
Guntoor.....	Civil Judge...	6	79	67
	Mufti Sadr Amín... ...	5	...	18
		11	79	85
Masulipatam..	Civil Judge...	23	79	79
	Mufti Sadr Amín. ...	20	...	54
		43	79	133
Rajahmundry.	Civil Judge...	4	83	30
	Sub Judge...	17	92	86
	Mufti Sadr Amín.....	8	...	36
		29	175	152

6. If the same work be divided between two Zilas, apportioning one-third of the business at Masulipatam to the Rajahmundry Zila, and the remaining two-thirds to Guntoor, the work of these two latter Zilas will be as follows :

	Original Suits.	*Appeal Suits.*	*Criminal Cases.*
Guntoor...	39	131	173
Rajahmundry...	44	202	197

7. Under the arrangement herein suggested the comparatively small expense of a Principal Sadr Amín's Court with its establishment* at Guntoor will be substituted for that of the Civil and Mufti Sadr Amín's Courts now at Masulipatam.†

Rupees 1,007 0 0

†*Rupees* 3,415 9 4

8. This reduction enables the Judges to propose a measure which they consider very requisite, in order to lighten the labors of the Civil Court of Combaconum, and to facilitate the administration of justice in the province, viz., the division of the present jurisdiction of the Civil Court into two distinct Zilas, one to retain its existing designation, and the other to be styled the *Tanjore* Zila.

9. The Judges consider that, to show the necessity for such a measure, they need only refer to the number of Courts Subordinate to the Civil and Session Court of Combaconum. There are 19 Officers exercising Civil jurisdiction, viz., 1 Subordinate Judge, 2 Principal Sadr Amín's, 1 Mufti Sadr Amín, and 15 District Munsiffs. The Criminal authorities are ten in number, viz., 1 Subordinate Judge, 1 Mufti Sadr Amín, 1 Magistrate, 1 Joint Magistrate, 1 Head Assistant Magistrate, 1 Special Assistant Magistrate, 1 Assistant Magistrate, 2 Deputy Magistrates, and 1 District Munsiff.

10. The Civil and Session Judge must obviously be heavily taxed in disposing of the mere references, reviews, and summary appeals, which come before him from so large a number of Courts; and his regular file must necessarily be much neglected.

11. The Judges therefore propose that a Civil and Session Court, a Principal Sadr Amín's Court, and a Mufti Sadr Amín's Court be established at Tanjore, with jurisdiction over the tract of country subject to the District Munsiffs of Tanjore, Trivady, Munnargoody, Trivaloor, Keevaloor, Tittrapoondy and Puttoocoottah.

12. If this arrangement be carried into effect, the Judges are of opinion that the two Principal Sadr Amín's Courts at Combaconum could be dispensed with. The charges for these Courts amount to Rupees 1,346 per mensem.

13. It will thus be seen that should the measures advocated by the Judges be adopted in their integrity, there will be only an actual increase of expenditure of Rupees 668 a month, being the difference between the pay of the establishments of two Principal Sadr Amín's Courts with Criminal powers to be formed at Guntoor and Tanjore, and that of the two Principal Sadr Amín's establishments to be abolished at Combaconum. This will be clearly shown by the following table:

Monthly Charge of Courts to be abolished.

Masulipatam, Civil and Session Court...	Rs.	3,069	9	4
Do., Mufti's Court...	,,	346	0	0
Combaconum, permanent Principal Sadr Amín's Court...	,,	687	0	0
Do., temporary Principal Sadr Amín's Court...	,,	659	0	0
				4,761 9 4

Monthly Charge of Courts to be newly established.

Tanjore, Civil and Session Court...	Rs.	3,069	9	4
Do. Principal Sadr Amín's Court...	,,	1,007	0	0
Do. Muftis' Court...	,,	346	0	0
Guntoor, Principal Sadr Amín's Court...	,,	1,007	0	0
				5,429 9 4
Increase, Rs.		668	0	0

No. 59.. MEMORANDUM.

1. The Civil and Sessions Court at Combaconum has the following Courts Subordinate to it:—

CIVIL COURTS.

15 District Munsiffs.
1 Sadr Amín.
2 Principal Sadr Amíns.
1 Subordinate Judge.

Total 19

CRIMINAL COURTS.

1 District Munsiff.
2 Deputy Magistrates.
1 Assistant do.
1 Special Assistant Magistrate.
1 Head Assistant do.
1 Joint do.
1 Magistrate.
1 Sadr Amín.
1 Subordinate Judge.

Total 10

2. On the Civil side the Judge has to entertain all regular appeals from the decrees in Original suits of the District Munsiffs, Sadr Amín and Subordinate Judge, but can refer for disposal to the Principal Sadr Amíns and the Subordinate Judge the appeal from the decrease of the District Munsiffs. The rest he must dispose of, and this, with a few Original suits, constitutes what is called his regular work.

3. He has also to entertain and dispose of all appeals from the 19 Courts in respect to the summary dismissal of suits for whatever cause, and all interlocutory orders connected with the execution of decrees and other proceedings had in them. He has summary jurisdiction in cases of wrongful possession of estates, of collection of debts, in succession of disputed arrears of Revenue &c., and these duties constitute what is called his miscellaneous work.

4. He is also responsible for the general regularity of the proceedings of the Courts below. He has to review and embody their Returns with his own, and is the channel through which the District Munsiffs and Sadr Amíns communicate with other Zilas.

5. Ordinarily the Courts Subordinate to a Civil and Sessions Court do not exceed 8 or 9, and in no Zila do the files exceed, in few do they at all come up to, those in Combaconum. See Appendix I.

6. The regular work of the Sessions Judge at Combaconum, viz., the trial of persons committed by the Subordinate Judge ordinarily is not heavier than in other districts.

7. The miscellaneous work is much more onerous, however, than elsewhere. It includes the revisions of all the sentences passed in the several Criminal Courts, and the entertainment and disposal of all appeals from the orders, and decisions of the Magistracy, as well in cases before the Police which have come under their cognizance as those constituted before themselves. It is to be borne in mind that the two districts, the litigation in which most closely approximates that in Combaconum, viz., Malabar and Canara, are each divided into two Zilas, and thus each Session Judge has but half the miscellaneous work arising in the District brought before him.

See Appendix II.

8. Under these circumstances it may well be supposed that the disposal of the miscellaneous work alone tasks the Civil and Sessions Judge of Combaconum severely. I have found it impossible when there has been regular work in the Sessions Court to give any attention to that of the Civil Court. At all times, I have been unable to give the attention I could have wished

to general supervision. I could get no respite from work and no relaxation. The adjournments were spent in clearing off arrears of routine business, and I was only able to quit the station for periods of from one to five days four times in four years.

9. I have long felt that the division of the Zila was requisite, but the state of the finances has hitherto kept me silent.

10. The changes in the Guntoor, Masulipatam and Rajahmundry Districts have now rendered the abolition of the Courts at Masulipatam advisable and they ought, I think, to be transferred to Tanjore. They consist of a Civil and Session Court and a Sadr Amín's Court to which should be added one of the two Principal Sadr Amíns now at Combaconum. The present establishments of the Principal Sadr Amíns, whose work is confined to disposing of such appeals from the decrees of the District Munsiffs as the Civil Judge may refer to them, are very small, viz.

... ...	Rupees	159
and...	,,	187
Total	,,	346

to which may be added the difference between the cost of the establishments at Masulipatam and that at Combaconum... ... ... ,, 27

Total ,, 373

11. In addition to this 152 Rupees will have to be provided to meet the cost of a first class Principal Sadr Amín's establishment, or Rupees 525.

12. The second Principal Sadr Amín now at Combaconum ought to be transferred to the new Zila of Guntoor with a second class establishment, the cost of which will be 495 Rupees.

13. The total additional costs will thus be 647 Rupees.

14. The Combaconum Zila can be easily divided.

The Districts of Tanjore,
Tervady,
Manargoody,
Trivaloor,
Keevaloor,
Tritrapoondy,
Puttoocottah,
being attached to Tanjore and Combaconum (2 District Munsiffs).
Paupanassun,
Myaveram,
Sheally,
Tranquebar,
Valungamun,
Nagore,
being attached to Combaconum.

15. If the necessary accommodation now exists or can be provided there, it might be well to transfer the Subordinate Judge and the Jail to Tanjore; for the Jail at Combaconum has been already condemned, and there is no good site for a building of the kind at that station.

(Signed) G. T. BEAUCHAMP.

APPENDIX I.

Miscellaneous Petitions filed during the 3rd quarter of 1859, in the Civil Courts of

Calicut,	377
Tellicherry,	280
Combaconum,	645

N. B.—During this quarter the District Munsiffs were only 12 in number.

APPENDIX II.

Miscellaneous work in the Sessions Courts in 1858.

Appeals from decisions of the Magistracy &c.

Calicut,	111
Tellicherry,	107
Combaconum,	453

Proceeding called for consequent on above:

Calicut,	67
Tellicherry,	8
Combaconum,	184

No. 60. ORDER THEREON, 16th April 1860, No. 451.

His Excellency the Governor in Council has carefully considered the communications above recorded from the Court of Sadr and Faujdárí Adálat and from Mr. Beauchamp, and he entirely concurs with those authorities that a second Civil and Sessions Court is urgently required for the Tanjore District.

2. He differs however from them with respect to the locality where the new Court ought to be placed. The city of Tanjore is within twenty miles of Combaconum, and both are in the Western part of the district. On the other hand Negapatam on the coast is a place of great trade, and may be expected rapidly to increase in extent and importance, as the Maritime Terminus of the Great Southern of India Railway. Negapatam and the contiguous Town of Nagoor already contain a population of 31,000 and the surrounding locality is very populous. In the arrangements moreover connected with the settlement of the affairs of the late Rájá of Tanjore, opportunity will probably be taken to transfer the Combaconum Court to Tanjore which will become the Head Quarters of the Collector, and the capital of the Province... Both Courts will then be on the line of the Great Southern of India Railway, and be appropriately situated in reference to their respective jurisdictions the Eastern and Western divisions of the Tanjore District.

3. Neither can His Excellency in Council concur with the Judges and Mr. Beauchamp as to the source from which they propose to defray the cost of the new Court, viz., by abolishing the Zila Court of Masulipatam. His Excellency in Council is not of opinion that it would be expedient to abolish the Court either at Masulipatam or at Guntoor; in either case the measure would very inconveniently increase the distance of the remaining Court from the more remote parts of its jurisdiction. The Government propose to meet the required charge by other arrangements, viz., by the saving which has been or will be effected by the abolition of the Masulipatam Collectorate, and by the amalgamation of the Collectorates of Chingleput and Madras.

4. Under these circumstances the Government request that the Judges will at their early convenience submit the draft of a notification announcing the establishment at Negapatam of a new Civil and Sessions Court, to be called the Civil and Sessions Court of Negapatam, as also of a Principal Sadr Amín and Mufti Sadr Amín's Court at the same station. The Judges will further state what part of the Tanjore District should be assigned for the jurisdiction of the new Courts and in making their recommendations on this head will bear in mind the probable removal of the Combaconum Court to Tanjore. They will likewise say when the new Courts may be conveniently opened.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. S. T. Augustin.

— I concur in the observations
remarks, except regarding
the locality for the new
Zilla Court in Tanjore —
— Regulation seems the
proper superior authority
to appoint the Sub-Ju-
dges to be subordinate by the
President in the Session
under of his circuit to the
Judge of the
District. The
26th Jany.

hand Deed of Municipality.

The Judges further proposed a mode
of executing & taking effect by
this Indenture to divide the premises
Commissioners that each Corporation
on its own Ground Granting Assigning &
to others the Right to Lay in Pipes
— Under this plan & Deed & Lease
Could pass Principal Risk between
Could, and a Right Risk between
Could. But the Risk of Fixing on
The Risk of between Could & Could
Commissioners Proposed to dispense
with

The Risk with Could appears to
which during Time would be Re-

660 per annum

Time would seem to be objected to
absorption of the Municipality Risk
& Commissioners Risk engaged
Risk and advantage

I observe that among the Instruc-
-tions issued to Mr Pinkney & Commis-
-sioners of Limits &c was a direction
to ascertain & report whether arrange-
ments could be made for transfer
& permit Commissioners
Limits — and if so, on what
& cannot distinctly decide
& Can on Could it Lay in another
& Can be Could — This with plan
would be Harrison Could
Limits, and Risk of Separate

Judicial Department.

Proceedings of the Madras Government

Read the following Papers:—

From the Register to the Court of Sadr Adalat, } Dated 17 January 1860, No 3.

Memorandum by Mr Beauchamp Civil and Sessions Judge of Combaconum and Acting Additional Judge of the Court of Sadr and Foujdari Adalat

Order thereon, dated 16 April 1860 No 451.

His Excellency the Governor in Council has carefully considered the communications above recorded from the Court of Sadr and Foujdari Adalat and those Mr Beauchamp and he entirely concurs with those authorities that a second Civil and Sessions Court is urgently required for the Tanjore District.

2.— He differs however from them with respect to the locality where the new Court ought to be placed. The city of Tanjore

Tanjore is within twenty miles of Combaconum and both are in the Western part of the District. On the other hand Nagapatam on the Coast is a place of great trade, and may be expected rapidly to increase in extent and importance as the Maritime Terminus of the Great Southern of India Railway. Nagapatam and the contiguous Town of Nagoor already contain a population of 31,000 and the surrounding locality is very populous. In the arrangements moreover connected with the settlement of the affairs of the late Rajah of Tanjore opportunity will probably be taken to transfer the Combaconum Court to Tanjore which will become the Head Quarters of the Collector

"Collector and the Capital of the Province. Both Courts will then be on the line of the Great Southern of India Railway, and be appropriately situated in reference to their respective jurisdictions the Eastern and Western divisions of the Tanjore District.

3.- Neither can His Excellency in Council concur with the Judges and Hon. Beauchamp as to the source from which they propose to defray the cost of the new Court viz: by abolishing the Zillah Court of Masulipatam. His Excellency in Council is not of opinion that it would be expedient to abolish the Court either at Masulipatam or at Guntoor; in either case the measure would very

very inconveniently increase the distance of the remaining Court from the more remote parts of its jurisdiction. The Government propose to meet the required charge by other arrangements, viz: by the saving which has been or will be effected by the abolition of the Masulipatam Collectorate - and by the amalgamation of the Collectorates of Chingleput and Madras.—

4.— Under these circumstances the Government request that the Judges will at their early convenience submit the draft of a Notification announcing the establishment at Negapatam of a new Civil and Session Court to be called the Civil and Session Court of Nágapatam - as also of a Principal Sadr Ameen and Munsiff Sadr Ameen's Court at the same Station - The Judges will further state what part of the Tanjore District should be assigned for the jurisdiction of the new Courts and in making their recommendations on this head will bear in mind the probable removal of the Combaconum Court to Tanjore. They will likewise say when the new Courts may be conveniently opened.—

To the Sadr & Faujdary Adalat.

Dept 18th

Sadr Ad

Judicial Letter to Engd 31st Oct.r
No 33 of 1860.

Replyed to No 5 dated
8th February 1861

20 Appl.

Judicial 1860. Dep.t

No 451.

Proceedings of Govt.

No 116 April 1860.
Rec.d 20th May 1860 Ans.d 1865.

Concur with the
Court of Judr. &
Fiscal dar in the last and
other Regulations that the
Second Civil & Session
Court is urgently required
for the Town of Point
under Government and
shall be requested the Judges
to inform that their early
Concurrence with the draft of
the Publications may enable
Govt the Establishment
at Negapatam of a Court
Civil & Sessions Court