R.R. G. 1—2,000—18-11-60.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 317 Press Mis:

69-70

Dated 9. 3. 1861 19

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
9th March 1861.

No. 69. Read the following letter from G. E. COWER, Esq., 3rd Judge of the Madras Court of Small Causes, to the Chief Secretary to Government, Madras, dated Dublin, 48 Rutland Square West; 21st January 1861.

I have the honor to request, that you will submit to the Right Honorable the Governor in Council, my respectful remonstrance, against the order of the late appointments, conferred on Mr. Maurice Cross, 2nd Judge, and Mr. Runganadum Shastree, Acting 2nd Judge of the Small Cause Court.

It will be seen that in the case of the former gentleman, I have been permanently superseded, and in the event of my return to Madras, during Mr. Runganadum's tenure of office, I must take my seat as 3rd Judge, in a position inferior to his.

I venture to hope, that these appointments have been made without the Government being aware of their effect upon an old servant, absent at the time from ill-health, contracted in their service, and I would humbly pray for a reconsideration of the subject, when if my claims are considered substantial, I respectfully suggest, that the order of the appointments may be altered, by nominating me to the 2nd seat, which may be done without offence to Mr. Cross, who did not solicit the office, and who is but young in the service.

No. 70. ORDER THEREON, 9th March 1861, No. 317.

In the above letter Mr. Cower, 3rd Judge of the Madras Court of Small Causes, remonstrates against the appointments of Mr. M. Cross to be 2nd Judge, and Runganadum Shastry to be Acting 2nd Judge of the Court, as involving his supersession. He prays that the arrangement may be reconsidered, and that he may be nominated 2nd Judge.

2. His Excellency the Governor in Council observes that the practice in respect to the present Court of Small Causes, has been to style the two Junior Judges 2nd and 3rd Judge respectively.

3. His Excellency considers this practice to be incorrect and inconvenient. It is not that followed in other Courts where the salaries, powers and functions of the Judges are precisely on an equality. Thus, the Judges of the Court of Sudder and Foujdaree Adawlut are termed simply Judges without distinction of First, Second or Third Judge. The same is the case with the two Puisne Judges of the Supreme Court in Calcutta—and was the case in Madras, when there were two Puisne Judges in the Supreme Court there.

4. The Government direct that, for the future, the practice observed in the Courts above referred to, be followed in the Madras Court of Small Causes. According to this, the Court will be considered as consisting of three Judges—the Senior Judge on a higher rate of salary and with, in some degree, special functions, and two *Judges* who will, in all respects—rank, as well as salary, functions and power—be on a footing of strict equality. Each will henceforth be known as Judge simply, but neither as 2nd nor 3rd. When the two Judges have to act together the Senior in date of appointment will have precedence.

5. This will remedy the grievance of which Mr. Cower complains, and this order will be communicated to him in reply to his letter under date 21st January last.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

Proceedings of the Madras Government.

Read the following letter from Mr. G. C. Colvin, 3d. Judge Madras Court of Small Causes.—

(Here enter 21st January 1861)

Order thereon 9th March 1861, No. 317.

In the above letter Mr. Colvin, 3d. Judge of the Madras Court of Small Causes, remonstrates against the appointments of Mr. M. Cross to be 2d. Judge, and Rungana-dum Shoutry to be acting 2d Judge of the Court, as involving his supercession. He prays that the arrangement

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may be reconsidered, and that he may be nominated 2d Judge.

2.— His Excellency the Governor in Council observes that the practice in the present Court of Small Causes, ~~as well as that of the Court of Requests for the recovery of small debts which it has superseded~~, has been to style the two Senior Judges 2nd and 3rd Judge respectively.

3.— His Excellency considers this practice to be incorrect and inconvenient— It is not that followed in other Courts where the salaries, powers and functions of the Judges are precisely on an equality. Thus, the Judges of the Court of Sudder &

Soujdaree

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Soujdaree Adawlut are termed simply Judges without distinction of First, Second or Third Judge— The same is the case with the two Puisne Judges of the Supreme Court ~~in Calcutta and in~~ the Peace in Madras when there were two Puisne Judges in the Supreme Court there.

4. The Court direct that for the future the practice observed in the Courts above referred to, be followed in the Madras Court of Small Causes— According to this, the Court will be considered as consisting of three Judges— the Senior Judge on a higher rate of salary and with, in some degree, special functions, and two

Judges

Judges who will, in all respects, rank, as well as salary, functions and powers be on a footing of strict equality. Each will be known as Judge simply, but neither as 2d. nor 3d.

5. This will remedy the grievance of which Mr. Power complains and this order will be communicated to him in reply to his letter under date 21st. Inst. last.

When the two Judges have to sit together the Senior in date of appointment will have precedence

To Mr. G. C. Power

To the Judges of the Madras Courts of Small Causes

Civil Division

Dept. 2 L. 3-61.

Proc. 9th March

(2)

Judicial

Department 186/.

No. 317.

Proceedings of the Madras

to

Government.

F. & 1669.

Dated. 9 March 1861.

With reference to the Petition of Mr. G. O. Cover against the appointments of the Mt. Sm. Chiefs as 2nd Judge and Rungaradam Sastry as acting 2nd Judge Small Cause Court Madras Government abolish the distinctions of 2nd & 3rd Judges as at present at once incorrect and inconvenient

69 & 70

2501] Madras—Printed at the Government Press.

C. 2 March 1861