

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	912	Press
		~~Mis.~~
85-86		
Dated	12.6.1862	19

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

12th June 1862.

No. 85. Read the following letter from D. F. CARMICHAEL, Esq., Acting Agent to the Governor of Fort Saint George at Vizagapatam; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 29th May 1862, No. 177.

Paragraph 1. On taking charge of the Subordinate Court of Chicacole from the Principal Sudr Ameen, Mr. M. Juggah Row, on the 19th December last, just before the Christmas Holidays, I found 102 suits in which issues had not been framed, and 41 suits closed but awaiting decision. I submit two lists, showing the numbers of these suits, the date of filing, date of first hearing, and (in the case of suits closed) the date of closing. The figures speak for themselves. I shall obtrude no comments; merely asking what the Miscellaneous work must have been like when the *Regular* business was in this state?

2. When I say I *found* this state of things existing, the expression is perhaps not strictly accurate. The Code of Civil Procedure is so simple, the instructions of the Sudder Court thereon so precise, and the Periodical Statements of progress (as I supposed) so complete, that I fondly thought there was no room in the Subordinate Judicatories for delays and insufficiencies. It was not for some time, then, that I discovered these flagrant arrears. I was in the Court not quite four months, and I can only say that in clearing the Augean stable keeping up at the same time the current work, I have been compelled to labor early and late, long beyond canonical hours, far harder indeed than any man ought to labor. But I am thankful to say that the work was well put out of hand, at last.

3. That suits brought to their "first hearing" should be kept at that state, for weeks and months together, is well nigh incredible. Sheer supineness is the sole explanation.

4. In respect of suits closed for the same lengthened periods, without being decided, the cause is this: Certain of my predecessors had not thought proper to observe the law in taking notes of the evidence with their own hand. The Code is imperative on this point, and what is the consequence of neglect? In trifling suits of simple bond debts it matters little—I speak of the consequence only and not as if any infringement of the law by those who administer the law were immaterial—memory may serve the Judge to the end of the cause. But where there are twenty witnesses on each side, where the accounts are complicated, where the case bristles with points, it is obvious that the Judge, who has sat listening with folded hands through a tedious trial often perhaps adjourned for the accommodation of suitors, for days and weeks together, must retire at last from the Bench in the most pitiable condition of hopeless helplessness. And it is precisely this description of original suits which I found lying undecided, and for what periods so lying?

5. I have endeavoured, and I have delayed writing on purpose, to indite this letter with perfect calmness and propriety. But when I consider—not my own toil, (that is nothing)—but the despair of suitors, the delays and denials of justice and the great scandal that thereby attaches to the public administration, under a Government devoted to the best interests of its people, I feel that in urging the Government to require that my successors in the Subordinate Court of this distant province shall be not only enjoined, but *compelled* to adhere to strict practice and procedure, no language can be too earnest, no words too strong.

No. 86.

ORDER THEREON, 12th June 1862 No. 912.

The foregoing letter will be referred to the Judges of the Sudder Court who will without delay call upon M. Juggah Row, late Principal Sudr Ameen of Vizagapatam, and any other Officers who may have been in charge of the Subordinate Court after any of the suits referred to were filed, for full explanation on the several points noticed by Mr. Carmichael, and will submit the same with their opinion for the consideration of the Governor in Council.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. F. Cartledge.

[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page.]

1862
Judicial Department
From *Proc of Mue*
The Agent to the
Governor in
Vizagapatam
The Asst. Chief Secretary
to Government
Fort St. George
dated 29 May 1862
recd. 9th June
Despatch 2nd June
No 177
Encls. 3. No 1110
Bringing to notice the
state of the Subordinate
Court of the Carol when
he took charge from
the Principal Asst. Secy
Mr. M. Juggah Rao
on the 19th December last
J. S. S.

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the day, 18th
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front. The same is
the same to some extent
of the same kind
the same to some extent

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Agent at Vizag-
apatam.

/New Entry of May 1862 No 177

Order thereon 12 June 1862 No 912

The foregoing letter will
be referred to the Judges of the
Sudder Court who will with-
out delay call upon M.
Jaggiah Row late Principal
Sudder Amra of Vizagapa-
tam, and any other officers
who may have been in charge
of the subordinate Court after
any of the suits referred to
were filed, for full explana-
tion on the several points
noticed by Mr. Carmichael
and will submit the same
with their opinion for the
consideration of the Gov-
ernor in Council—

To the Sudder Court. Dec 12th

Prosser
No. 186 Department.

No. 912.

PROCEEDINGS OF GOVERNMENT.

Dated 12th June 1872
O.E. 18637.

Regarding the charge of
the Clerk to call upon
the Principal Clerk
of the Department
for information on certain
points referred to him
noticed by Mr. Carmichael
on the 29th May.

*Inspection
at the
Department
& back up. In view
of the matter.*