M.R.O. 1—38,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 761-762 Press
Mis.
131-132

Dated 19 - 5 - 1863.
1!

23/23

Not to be folded or roughly handled

No. 131. Read again Proceedings, dated 23rd August 1862, No. 1,377.

No. 132. ORDER THEREON, 19th May 1863, No. 761.

In June last year, the attention of Government was drawn to the inconvenience caused by the frequent and protracted absences of the Civil and Session Judge of Coimbatore from his head-quarter Station under the operation of Act XXV of 1855, which invests him with the duty of holding Sessions from time to time at Ootacamund, for the trial of offences committed on the Neilgherry Hills. It appeared that during the previous twelve months the Session Judge had been absent from Coimbatore no less than 95 days, exclusive of absence during a part of the annual adjournment, and the Easter and Christmas holidays. Altogether, about a third of the year had been passed by him away from his Court Station. Many of those absences were more prolonged than they need have been, but, as far as could be gathered from the explanation forwarded to Government, it appeared that, even if each visit to Ootacamund had been limited to the time actually required for the performance of the duty, the hindrance caused to the business of the Coimbatore Court must necessarily have been considerable. At the close of the correspondence, the Governor in Council recorded his opinion, that the only effectual remedy would be to invest the Local Court with the jurisdiction of a Civil and Session Court.

Proceedings, 13th June 1862, No. 920.

Proceedings, 23rd August 1862, No. 377.

2. Further consideration has confirmed His Excellency in Council in this opinion, and it seems desirable that steps should be taken, without further delay, for placing the administration of justice, both in the low lands of Coimbatore and on the Neilgherry Hills, on a more efficient footing, by relieving the Judge of Coimbatore from the necessity of visiting Ootacamund, and establishing at that Station a local judicatory, invested with the full powers of a Civil and Session Court.

3. This measure was recommended by the late Sudder Court, so farback as 1854, in the course of the correspondence which passed previous to the establishment of the present Subordinate Court. Their first proposal* was that a Civil and Session Judge on a salary of Rupees 1,750 per mensem, the amount which had been in the first instance assigned to the Civil and Session Judgeships at Tellicherry and Honore, should be appointed to Ootacamund. This scheme was rejected† by the Government on the ground, partly of the expense, and partly, that the salary proposed, being lower by nearly Rupees 600 than that assigned to the other Civil an Session Judges, the Judgeship would be looked upon as a mere stepping stone to one of the higher paid Judgeships in the plains.

*Letter from the Acting Registrar of the the Sudder Court, 11th May 1854, recorded in E. M. C., 2nd June 1854, No. 398.

† E. M. C. 21st July 1854, No. 509.

4. Another plan was thereupon submitted by the Sudder Court, and was embodied in a Draft Act providing for the establishment of an Auxiliary Civil and Session Court, the Judge of which might be an Uncovenanted Officer. In Criminal cases, he was to have the powers then exercised by the Agents to the Governor of Fort Saint George in Ganjam, Vizagapatam and Kurnool. In Civil matters he was to be invested with the full jurisdiction of a Civil Court, except that an appeal was to lie to the Civil Court of Coimbatore from all his decisions, when the amount sued for might not exceed Rupees 10,000.

Letter from the Acting Registrar to Sudder Court, 10th August 1854.

5. This measure was agreed to by the Government, and was recommended to the Government of India; but owing to objections taken by Mr. D. Eliott, Member of the Legislative Council for Madras, the Draft Act was altered into one merely conferring on the Civil and Session Judge of Coimbatore the power of holding Sessions at Ootacamund. Mr. Eliott's objections* were:—

Letter to Government of India, 24th August 1854, No. 601.

* Letter from the Honorable D. Eliott 16th September 1854, recorded in Extract Minutes Consultation, 14th October 1854.

1st.—That it was not expedient to vest an Uncovenanted Officer with powers higher than those given to a Covenanted Subordinate Judge.

2nd.—That the litigation on the Neilgherries was not such either in extent or character as to require a Court of higher jurisdiction than that of a Principal Sudder Ameen.

3rd.—That the Criminal business, which could not be disposed of by the Principal Sudder Ameen, being also comparatively light, might be provided for by requiring the Session Judge of Coimbatore to hold occasional Sessions at Ootacamund.

6. The Government urged that the limited measure proposed by Mr. Eliott would not provide sufficiently for the wants of the community on the Hills, that there must be a tribunal open and ready *at all times* to dispose finally of Criminal cases on the spot; for that, otherwise, owing to the migratory character of the European community, consisting principally of Officers and their families visiting the Hills for limited periods, and who could not protract their stay to give evidence at a coming Sessions, except, in many cases, at great public as well as private inconvenience, offenders would constantly escape. The inconvenience as regarded the Coimbatore Court was also noticed. It was pointed out (paragraph 7) that "the Coimbatore Judge could not reach the Hills with the necessary establishment under 3 or 4 days, and the temptation to loiter there would be great." Mr. Eliott's views however prevailed in the Legislative Council, and the result was the passing of Act XXV of 1855, and the establishment of the present Subordinate Court, which was at first presided over by a Principal Sudder Ameen on a salary of Rupees 800, but subsequently, under instructions from the Honorable the Court of Directors, was placed under a Covenanted Subordinate Judge on a salary Rupees 1,400.

Letter to the Honorable D. Eliott, 14th Oct. 1854, No. 751.

7. It seems clear, however, from the experience of the past, that the only effectual remedy for the inconvenience at present felt is the removal of the Neilgherries from the jurisdiction of the Coimbatore Court, and the conversion of the present Subordinate Court into a Civil and Session Court exercising jurisdiction over the Neilgherry Hills, to which would be added the jurisdiction of a Small Cause Court if the Bill for empowering the local Government, to invest the ordinary Courts with Small Cause Court jurisdiction, which is now before His Excellency the Viceroy and Governor General, should receive his assent.

8. The Governor in Council accordingly resolves to apply to the Government of India for permission to convert the present Subordinate Court at Ootacamund into a Civil and Session Court, and to assign to the Judge a salary of Rupees 2,000 per mensem, which, taking into account the advantages of climate, will be sufficient to command the services of a thoroughly well qualified Officer. The present establishment will suffice.

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

No. 132A. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 19th May 1863, No. 762.

In June last year, the attention of this Government was drawn to the inconvenience caused by the frequent and protracted absences of the Civil and Session Judge of Coimbatore from his head-quarter Station under the operation of Act XXV of 1855, which invests him with the duty of holding Sessions from time to time at Ootacamund, for the trial of offences committed on the Neilgherry Hills. It appeared that during the previous twelve months the Session Judge had been absent from Coimbatore no less than 95 days, exclusive of absence during a part of the annual adjournment and the Easter and Christmas holidays. Altogether about a third of the year had been passed by him away from his Court Station. Many of these absences were more prolonged than they need have been, but, as far as could be gathered from the explanation forwarded to Government, it appeared that, even if each visit to

Proceedings 13th June 1863, No. 920.

Proceedings 23rd August 1862, No. 1,377.

Ootacamund had been limited to the time actually required for the performance of the duty, the hindrance caused to the business of the Coimbatore Court must necessarily have been considerable. At the close of the correspondence, the Governor in Council recorded his opinion, that the only effectual remedy would be to invest the local Court with the jurisdiction of a Civil and Session Court.

2. Further consideration has confirmed His Excellency in Council in this opinion, and it seems desirable that steps should be taken, without further delay, for placing the administration of Justice, both in the low lands of Coimbatore and on the Neilgherry Hills, on a more efficient footing, by relieving the Judge of Coimbatore from the necessity of visiting Ootacamund, and establishing at that station a local judicatory, invested with the full powers of a Civil and Session Court.

3. This measure was recommended by the late Sudder Court, so far back as 1854, in the course of the correspondence which passed previous to the establishment of the present Subordinate Court. The plan then approved by Government was to establish an Auxiliary Civil and Session Court, the Judge of which might be an Uncovenanted Officer. In Criminal cases, he was to have the powers then exercised by the Agents to the Governor of Fort Saint George in Ganjam, Vizagapatam and Kurnool. In Civil matters, he was to be invested with the full jurisdiction of a Civil Court, except that an appeal was to lie to the Civil Court of Coimbatore from all his decisions, when the amount sued for might not exceed Rupees 10,000.

Letter from the Acting Registrar to Sudder Court, 10th August 1854.

4. This measure was embodied in a Draft Act and submitted to the Government of India; but owing to the objections taken by Mr. D. Eliott, Member of the Legislative Council for Madras, the Draft Act was altered into one merely conferring on the Civil and Session Judge of Coimbatore the power of holding Sessions at Ootacamund, and empowering the Principal Sudder Ameen of the Court (as now the Sub-Judge by approval of Government) to exercise all the powers of a Joint Magistrate. Mr. Eliott's objections* were:—

Letter to Government of India, 24th August 1854, No. 601.

* Letter from the Honorable D. Eliott, 10th September 1854, recorded in E. M. C., 14th October 1854.

1st.—That it was not expedient to vest an Uncovenanted Officer with powers higher than those given to a Covenanted Subordinate Judge.

2nd.—That the litigation on the Neilgherries was not such, either in extent or character, as to require a Court of higher jurisdiction than that of a Principal Sudder Ameen.

3rd.—That the Criminal business, which could not be disposed of by the Principal Sudder Ameen, being also comparatively light, might be provided for by requiring the Session Judge of Coimbatore to hold occasional Sessions at Ootacamund.

5. The Government urged that the limited measure proposed by Mr. Eliott would not provide sufficiently for the wants of the community on the Hills, that there must be a tribunal open and ready *at all times* to dispose finally of Criminal cases on the spot; for that, otherwise, owing to the migratory character of the European community, consisting principally of Officers and their families visiting the Hills for limited periods, and who could not protract their stay, offenders would constantly escape. The inconvenience as regarded the Coimbatore Court was also noticed. It was pointed out that "the Coimbatore Judge could not reach the Hills with the necessary establishment under 3 or 4 days, and the temptation to loiter there would be great." Mr. Eliott's views, however, prevailed in the Legislative Council, and the result was the passing of Act XXV of 1855, and the establishment of the present Subordinate Court. At first it was presided over by a Principal Sudder Ameen on a salary of Rupees 800, but subsequently, under instructions from the Honorable the Court of Directors, it was placed under a Covenanted Subordinate Judge on a salary of Rupees 1,400.

Letter to the Honorable D. Eliott, 14th October 1854, No. 751.

Vide Act XVI, 1858.

S. Dasgobal
17-4-1967

6. The experience of the past eight years, has fully borne out the views enunciated by this Government in 1854, and the Governor in Council is satisfied that the only effectual remedy for the inconvenience at present felt, is the removal of the Neilgherries from the jurisdiction of the Coimbatore Court, and the conversion of the present Subordinate Court into a full Civil and Session Court exercising jurisdiction over the Neilgherry Hills, to which would be added the jurisdiction of a Small Cause Court if the Bill for empowering the Local Government to invest the ordinary Courts with Small Cause Court jurisdiction, which is now before His Excellency the Viceroy and Governor General, should receive his assent.

7. I am accordingly directed to apply to the Government of India for permission to convert the present Subordinate Court at Ootacamund into a Civil and Session Court, and to assign to the Judge a salary of Rupees 2,000 per mensem, which, taking into account the advantages of climate, will be sufficient to command the services of a thoroughly well qualified Officer. Considering the large European community resident on the Hills, it is very necessary that the Judge should be an Officer of considerable judicial experience, and that the office should not be a stepping stone to a Zillah Judgeship on the plains. It will not be necessary to increase the present establishment of the Court.

8. The financial effect of this change will be a permanent monthly increase of Rupees [illegible], which the Government will endeavour to meet during the present year from the savings on the Budget allotment. An application prepared in the prescribed form is enclosed.

(Signed) A. J. ARBUTHNOT,
Chief Secret[illegible]

Proceedings of the Madras Government, Judicial Department,
19th May 1863.

JUDICIAL DEPARTMENT.

No.	Extract from Home Department, Government of India. Date.	Office to which the Proposition refers.	Nature of Charge. Present Scale.	Rs.	A.	P.	Proposed Scale.	Rs.	A.	P.	Proposition. Permanent. Increase per month.	Rs.	A.	P.	Permanent. Decrease per month.	Rs.	A.	P.	Temporary. Increase per month. Period.	Rs.	A.	P.	Temporary. Decrease per month. Period.	Rs.	A.	P.	Casual or Extraordinary.	Grounds of Proposition.	Local Government's recommendation.	Order of the Government of India. Home Department. Remarks.	Financial Department. Remarks.	Orders.
		Civil and Sessions Court at Ootacamund.	1 Subordinate Judge	1,400	0	0	1 Civil and Session Judge	2,000	0	0	600	0	0																		
			1 Head Writer and Sheristadar	100	0	0	1 Head Writer and Sheristadar	100	0	0																					
			1 Nazur and Civil Record-keeper	50	0	0	1 Nazur and Civil Record-keeper	50	0	0																					
			1 English Writer	35	0	0	1 English Writer	35	0	0																					
			1 Goomastah	28	0	0	1 Goomastah	28	0	0																					
			1 Do.	17	8	0	1 Do	17	8	0																					
			2 Do. at 14 Rupees each	28	0	0	2 Do. at 14 Rupees each	28	0	0																					
			1 Government Vakeel	15	0	0	1 Government Vakeel	15	0	0																					
			1 Shroff	10	0	0	1 Shroff	10	0	0																					
			1 Moochee	8	0	0	1 Moochee	8	0	0																					
			2 Daloyats at 8 Rupees each	16	0	0	2 Daloyats at 8 Rupees each	16	0	0																					
			4 Peons at 7 Rupees each	28	0	0	4 Peons at 7 Rupees each	23	0	0																					
			1 Sweeper and Masaljee	5	0	0	1 Sweeper and Masaljee	5	0	0																					
			Total Rupees	1,740	8	0	Total Rupees	2,340	8	0	600	0	0														Vide letter to the Secretary to the Government of India, Home Department, 19th May 1863, No. 762.	Favorable.			

FORT SAINT GEORGE,
19th May 1863.

Forwarded for sanction to the Home Department of the Government of India.

(Signed) A. J. ARBUTHNOT,
Chief Secretary to Government, Fort Saint George.

Memorandum
for Govt.

In June last year the attention of Government was drawn to the inconvenience caused by the frequent and protracted absence of the Civil and Session Judge of Coimbatore from his head quarter station under the operation of Act XXIV of 1859, which invests him with the duty of holding Sessions from time to time at Cottacamund for the trial of Offences Committed on the Nilgherry Hills. It appeared that during the previous twelve months the Session Judge had been absent from Coimbatore no less than 75 days, exclusive of absence during the annual adjournment. Altogether, about a third of the year had been passed by the

away from his Court station.
Many of these absences were
more prolonged than they need
have been, but as far as could
be gathered from the Explanation
furnished to Government, it
appeared that even if each
visit to Ootacamund had been
limited to the time actually
required for the performance of
the duty, the hindrance
caused to the business of the
Coimbatore Court must necessa-
rily have been considerable:
And at the close of the Corres-
pondence, the Governor in
Council recorded his opinion
that the only effectual remedy
would be to connect the local
Court with the jurisdiction
of a Civil and Sessions Court.
The Government confined
itself to this Expression of
opinion, owing, I believe, to
the circumstance of the present
Judge, Mr Nesbitt,

not being considered qualified
to discharge the functions of a Civil
and Sessions Judge, while he is
precluded by the state of his
health from serving in the
plains, the abolition of the
present Court would place him
out of employment. Since
the Correspondence above referred
to, took place, the orders of the
Home Government granting
Invalid pension have been
received, and will enable Mr
Nesbitt to retire from the
service on an annuity of £350

In these circumstances, it
seems desirable that steps
should be taken without fur-
ther delay for placing the
administration of Justice
both in the Low lands of
Coimbatore and on the Neil-
gherry hills on a more Efficient
footing, by relieving the Judge
of Coimbatore from the necessi

of visiting Cottacamund, and establishing at that station a local judicatory invested with the full powers of a Civil and Sessions Court.

This measure was recommended by the late Sudder Court so far back as 1852 in the Course of the Correspondence which passed previous to the establishment of the present ~~Court~~ Subordinate Court. Their proposal was that a Civil and Sessions Judge on a Salary of Rs 1750 per mensem, the Amount which had been in the first instance assigned to the Civil and Sessions Judge at Tellicherry and Honore, should be appointed to Cottacamund. The proposal was rejected by the Government on the ground, partly, of the Expence, and partly, that the Salary proposed

* Letter from the Registrar of the Sudder Court, 11th May 1852, received in E.M.C. 2d June 1852 No 393.

† E.M.C. 21 July 1852 No 509.

proposed being lower by near Rs 600 than that assigned to the other Civil and Sessions Courts, the Judgeship would not be looked upon as an eligible step to one of the higher paid Judgeships in the plains. It was assumed that the Judgeship, if designated as proposed by the Sudder Court, must be held by a Member of the Covenanted Civil Service.

Another plan was then upon submitted by the Sudder Court and was embodied in a draft Act providing for the establishment of an Auxiliary Civil and Sessions Court, the Judge of which might be an Uncovenanted Officer, and who should have the powers in Criminal Cases then exercised by the Agents to the Governor of

Fort Saint George in Ganjam and Vizagapatam & Kurnool.

An appeal lying from the decisions in all Civil Suits wherein the Amount Sued for might not Exceed Rs. 10,000.

This measure was agreed to by the Government, and was recommended to the Government of India, but owing to objections taken by the Hon'ble D. Elliott, Member of the Legislative Council for Madras, the Draft Act was altered into one merely conferring on the Civil and Sessions Judge of Coimbatore the power of holding Sessions at Ootacamund.

Mr Elliott's objections were, 1st That it was not expedient to vest an Uncovenanted Officer with powers higher [illegible]

Letter from Sr H. Pigot to Sudder Court 18th Aug 1854.

Letter to Govt of India 24th August 1854. No 601.

Letter from Hon'ble D. Elliott 16th Sept. 1852 recorded in E. M. C. 11th Oct 1852

Letter to the Hon'ble D. Elliott 11th Oct. 1852 No 757.

Covenanted subordinate Judge.

2d That the litigation on the Nilgherries was not such either in extent or character as to require a Court of higher jurisdiction than that of a Principal Sudder Ameen.

3d That the criminal business which could not be disposed of by the Principal Sudder Ameen, being also Comparatively slight, might be provided for by requiring the Sessions Judge of Coimbatore to hold occasional Sessions at Ootacamund.

The Madras Government urged that the limited measure proposed by Mr Elliott would not provide sufficiently for the wants of the Community on the Hills, that there must be a

at all times to dispose finally of Criminal cases on the spot; for that, otherwise, owing to the migratory character of the European Community consisting principally of Officials and their families visiting the Hills for limited periods, and who could not protract their stay to give Evidence at a coming Session, except in many cases, a great public as well as private inconvenience, offenders would constantly escape. The inconvenience as regarded the Coimbatore Court are also noticed. It was pointed out (para 7) that the Coimbatore Judge could not reach the Hills, with the necessary Establishment under 3 or 4 days, and the complainant to enter there would be

Great. Mr Elliott's views however prevailed in the Calcutta Council and the result was the passing of Act of 1855, and the Establishment of the present Subordinate Court which at first was presided over by a Principal Sudder Ameen on a Salary of Rs 800, but subsequently under instructions from the Hon'ble the Court of Directors was placed under a Covenanted Subordinate Judge on a Salary of Rs 1400.

It seems clear from the experience of the past that the only effectual remedy for the inconvenience at present felt is the removal of the Nulgherries from the jurisdiction of the

Combatore Court and the
conversion of the present
Subordinate Court into
a Civil and Sessions Court
exercising jurisdiction over
the Palghery Hills and
their slopes, with such
other tracts as it may
be expedient to transfer
to it. It occurs to me
that that part of the
Wynad Talook which
adjoins Goodaloor and
perhaps Dystry, might
be included in the
jurisdiction of the Co-
-mmund Court. This
point can be Easily
settled in Communication
with the Local Authorities.

The main question for
Consideration is what
salary shall be assigned
to the Judgeship. It is

desirable that the Judge
should be a judicial Officer
of some experience and
that changes should not
be frequent. The Court
should not be a stepping
stone to a Court in the
Plains. I would fix the
salary at Rs. 200 per
mensem, which, taking
into Consideration the advan-
-tages of the Climate, would
make the appointment
Coveted by most of our
Upcountry Judges.

If this suggestion be
approved, it will be necess-
-ary to obtain the sanc-
-tion of the Govt. of Madra.
for it for the increase of
salary and for the altera-
-tion of the Jurisdiction

G. G.

Judicial Departmt.

Proceedings of the Madras Government.

Read again proceedings dated 23d August 1863 No. 1177.

Order - 19th May 1863 No. 964.

Pro. 13th June 1862 No. 920.

In June last year, the attention of Government was drawn to the inconvenience caused by the frequent and protracted absence of the Civil and Session Judge of Coimbatore from his head quarters station under the operation of Act XXV of 1855, which invests him with the duty of holding Sessions from time to time at Ootacamund, for the trial of Offences committed on the Neilgherry Hills. It appeared that during the previous twelve months the Session

Pro. 23d August 1862 No. 377.

Judge had been absent from
Coimbatore no less than 95
days, exclusive of also
during a part of the
adjournment, at the Easter
and Christmas holidays. Alto-
gether, about a third of the
year had been passed by
him away from his head-
Station. Many of these ab-
sences were more prolonged
than they need have been, but
as far as could be gathered
from the explanation for-
warded to Govt, it appears
that, even if each visit to Ota-
camund had been limited to
the time actually required for
the performance of the offi-
cial business connected with the
Coimbatore head-
must necessarily have been
considerable. At the close of

in Council recorded his opin
that the only effectual reme
would be to invest the local
Court with the jurisdiction
of a Civil and Sessions Court.

2. Further consideration
has confirmed His Excellency
in Council in this opinion,
and it seems desirable that
steps should be taken, without
further delay, for placing
the administration of Justice
both in the Nilgiris and
Coimbatore and on the Pal-
ghaut Hills on a more
efficient footing, by relieving
the Judge of Coimbatore from
the necessity of visiting
Ootacamund, and establish-
ing at that station a local
judicatory, invested with the
full powers of a Civil and
Sessions Court.

3. This measure was
recommended by the late
Sudder Court, so far back
as 1854, in the course of

the correspondence which passed previous to the establishment of the present subordinate Court. Their first proposal* was that a Civil and Sessions Judge on a Salary of Rs 1750 per mensem, the amount which had been in the first instance assigned to the Civil and Sessions Judgeships at Tellicherry and Honore, should be appointed to Cotacammund. This scheme was rejected by the Government on the ground, partly of the Expence, and partly, that the Salary proposed, being lower by nearly Rs 600 than that assigned to the other Civil and Sessions Judges, the Judgeships would be looked upon as a mere stepping stone to one of the higher paid Judgeships in the plains.

* Letter from the Sr. Registrar of the Sudder Court 1st May 1854 recorded in S.M.C. 8th June 1854 No 393

† S.M.C. 21st July 1854 No 509

4 Another plan was thereupon submitted by the Sudder Court, and was embodied in a draft Act providing for the establishment of an auxiliary Civil and Sessions Court, the Judge of which might be an Uncovenanted Officer. In criminal cases, he was to have the powers then exercised by the Agents to the Governor of Fort St. George in Ganjam and Vizagapatam, and Kumool In Civil matters he was to be invested with the full jurisdiction of a Civil Court, except that an appeal was to lie to the Civil Court of Combatore from all decisions, where the amount sued for might not exceed Rs 10,000.

Letter from the Sr. Registrar to Sudder Court 15th Augt 1854.

5 This measure was agreed to by the Government,

Letter to Govt of India 24th Augt 1854 No 601.

to the Government of India, but owing to objections taken by Mr. D. Eliott, Member of the Legislative Council for Madras, the Draft Act was altered into one merely conferring on the Civil and Sessions Judge of Coimbatore the power of holding Sessions at Cotacammund.

Mr. Eliott's objections were, 1st. That it was not Expedient to vest an Uncovenanted Officer with powers higher than those given to a Covenanted Subordinate Judge.

2d. That the litigation on the Neilgherries was not such either in extent or character as to require a Court of higher jurisdiction than that of a Principal Sudder Ameen.

3d. That the criminal business, which could not be disposed of by the Principal Sudder Ameen, being also comparatively light, might be provided for by requiring the Sessions Judge of Coimbatore to hold occasional Sessions at Cotacammund.

4. The Government urged that the limited measure proposed by Mr. Eliott would not provide sufficiently for the wants of the Community on the Hills, that there must be a Tribunal open and ready at all times, to dispose finally of Criminal Cases on the spot, for that, otherwise, owing to the migratory character of the European Community, consisting principally of Officers and their families visiting the Hills for limited periods, and who could not protract their stay to give evidence

† Letter from the Hon: D Eliott 16th Sept: 1854 recorded in E Mc 14th Oct: 1854.

Letter to the Hon'ble D Eliott 14th Oct: 1854 No 751

kept, in many cases, at great public as well as private inconvenience; offenders would constantly escape. The inconvenience as regarded the Coimbatore Court was also noticed. It was pointed out (para 7) that "the Coimbatore Judge could "not reach the Hill with the "necessary Establishment "under 3 or 4 days, and the "temptation to loiter there "would be great". Mr Elliott's views however prevailed in the Legislative Council, and the result was the passing of Act XXII of 1855, and the establishment of the present Subordinate Court, which was at first presided over by a Principal Sudder Ameen on a Salary of Rs 800, but subsequently, under instructions from the

Directors, was placed under a Covenanted Subordinate Judge on a Salary of Rs 1400.

7. It seems clear however, from the experience of the past, that the only effectual remedy for the inconvenience at present felt is the removal of the Neilgherries from the jurisdiction of the Coimbatore Court, and the conversion of the present Subordinate Court into a Civil and Sessions Court exercising jurisdiction over the Neilgherry Hills, ×

8. The Governor in Council accordingly resolves to apply to the Govt of India for permission to convert the present Subordinate Court at Ootacamund into a Civil and Sessions Court, and to assign to the Judge a Salary of Rs 2000 per mensem, which, taking into account the

× to which would be added the jurisdiction of a Small Cause Court if the Bill for empowering the Local Govt. ^ which is now before H.E. the Viceroy and Governor General, should receive his assent.—

advantages of climate will be
sufficient to ~~attract~~ compensate the
services of a ~~well~~ Thoroughly qualified
Officer - ~~as the work of the~~
~~Court will be comparatively~~
~~light~~, the present Establish-
-ment will suffice.

Wm

To the Honble the Judges of the High Court Calcutta

Despe. 19/5
per "Sydney"

No. 762. Judicial Department.

To

The Secretary to the Government
of India.
Home Department.

Sir,

Rec'd 13 June 1862 No 920.

In June last year the attention of this Govt. was drawn to the inconvenience caused by the frequent and protracted absences of the Civil Sessions Judge of Combatore from his head quarter Station under the operation of Act XXV of 1855, which invests him with the duty of holding Sessions from time to time at Cotacammund for the trial of offences committed on the Neilgherry Hills. It appeared that during the previous twelve months the Sessions Judge had been absent from Comb.t

Rec'd 25 Augt. 1862 No 1577.

Judicial 19th May 1862.

No 762.

Recd 29th Augt

Application for Party
Sessions for Nilgiris &
Coimbatore transmitted
Govt. of Fort St. George
with a draft Act
and a letter from Govt.
of Madras

Recd 13/8/62

Judicial

No 762 of 19 May 1862

Recd 29th Augt

Application for Party Sessions for Nilgiris & Coimbatore transmitted Govt. of Fort St. George with a draft Act and a letter from Govt. of Madras

Recd 13/8/62

Judicial

No 762 of 19 May 1862

Recd 29th Augt

Application for Party Sessions for Nilgiris & Coimbatore transmitted Govt. of Fort St. George with a draft Act and a letter from Govt. of Madras

Recd 13/8/62

Coimbatore no less than 95 days, exclusive of absence during a part of the annual adjournment and the Easter and Christmas Holidays. Altogether about a third of the year had been passed by him away from his Court Station. Many of these absences were more prolonged than they need have been, but, as far as can be gathered from the explanation forwarded to Government, it appeared that, even if each visit to Cotacamund had been limited to the time actually required for the performance of the duty, the hindrance caused to the business of the Coimbatore Court must necessarily have been considerable. At the close of the correspondence, the Government

Governor in Council records his opinion, that the only effectual remedy would be to invest the local Court with the jurisdiction of a Civil and Sessions Court.

2. Further consideration has confirmed His Excellency in Council in this opinion, and it seems desirable that steps should be taken, without further delay, for placing the administration of justice both in the low lands of Coimbatore and on the Neilgherry Hills on a more efficient footing, by relieving the Judge of Coimbatore from the necessity of visiting Cotacamund, and by establishing at that station a local judicatory invested with the full powers of a Civil and Sessions Court.

3. This measure

was recommended by the late Sudder Court, so far back as 1854, in the course of the correspondence which passed previous to the establishment of the present subordinate Court. The plan then approved by Government was to establish an auxiliary Civil and Sessions Court the Judge of which might be an uncovenanted Officer. In criminal cases, he was to have the powers then exercised by the Agents to the Governor of Fort St George in Ganjam, Vizagapatam and Nurnoor. In Civil matters he was to be invested with the full jurisdiction of a Civil Court, except that an appeal was to lie to the Civil Court of Combatore from all his decisions, when the amount sued for might not exceed Rs 10000.

Letter from the Al: Registrar to Sudder Court 16th August 1854.

Letter to Govt. of India 24th Augt. 1852 Para 6.

+ and [illegible] Para 5 of Govt Letter [illegible] Now [illegible] Objections [illegible]

+Letter from the Hon'ble D. Elliott - 16th Sept. 1852 - recorded in C. P. C 14th Oct. 1852.

In Council of Government also Proceedings [illegible] This proposal [illegible]

6

4. This measure was embodied in a draft Act and submitted to the Government of India; but owing to the objections taken by Mr D. Elliott Member of the Legislative Council for Madras, the draft Act was altered into one merely conferring on the Civil and Sessions Judge of Combatore the power of holding Sessions at Cotacamund. Mr Elliotts objections were

1st That it was inexpedient to vest an Uncovenanted Officer with powers higher than those given to a Covenanted Subordinate Judge.

2nd That the litigation on the Neilgherries was not such either in extent or character as to require a Court of higher jurisdiction than that of a Principal Sudder Ameen.

3rd That the Criminal

be disposed of by the Principal Sudder Ameen, being also comparatively light, might be provided for by requiring the Sessions Judge of Combatore to hold occasional Sessions at Ootacammund.

5. The Government urged that the limited measure proposed by Mr Elliott would not provide sufficiently for the wants of the Community on the Hills, that there must be a tribunal open and ready at all times to dispose finally of Criminal cases on the Spot, for that, otherwise, owing to the migratory character of the European Community consisting principally of Officers and their families resting the Hills for limited periods and who could not protract their stay, Offenders would constantly escape. The inconvenience as regarded the

Letter to the Hon'ble D. Elliott 14th Oct. 1854 No. 751.

Vide Act XVI. 1858

noticed. It was pointed out that the Combatore Judge could not reach the Hills with the necessary Establishment under 3 or 4 days, and the temptation to loiter there would be great. Mr Elliott's views, however, prevailed in the Legislative Council, and the result was the passing of Act XXV of 1855, and the establishment of the present Subordinate Court. At first presided by a Principal Sudder Ameen on a Salary of Rs800, but subsequently, under instructions from the Honorable the Court of Directors was placed under a Covenanted Subordinate Judge on a Salary of Rs1400.

6. The experience of [illegible] has fully borne out the views [illegible] in 1854, the Governor in Council is satisfied and [illegible]

the only effectual remedy for the inconvenience at present felt is, the removal of the Neilgherries from the jurisdiction of the Combatore Court, and the conversion of the present subordinate Court into a Civil and Sessions Court exercising jurisdiction over the Neilgherry Hills to which would be added the jurisdiction of a Small Cause Court if the Bill for empowering the local Govt. to invest the ordinary Courts with Small Cause Court jurisdiction, which is now before H.E. the Viceroy and Governor General, should receive his assent.

7. I am accordingly directed to apply to the Government of India for permission to convert the present Subordinate Court at Ootacamund into a Civil and Sessions Court, and to assign to the Judge a Salary of Rs 2000 per mensem, which taking into account the advantages of climate, will be sufficient to command the services of a well qualified Officer. ~~The duties of the Court will be performed by the Judge of the Court of Small Causes at Coimbatore, and will not be necessary to increase the establishment.~~

8. The financial effect of this change will be a permanent monthly increase of Rupees 600 which the Government will endeavour to meet during the present year from the savings or unexpended grants of the Budget allotment. One application prepared in the prescribed form is enclosed. —

Fort St George
19 May 1863

Copy sent to the Civil & Sessions Judge of Ootacamund for information

Copy sent to the Hon'ble the Judges of the High Court
22/10/63

Pro. Diary

Judicial 1863. Departt.

№ 762

To The Secy. to the Govt.
of India
Home Deptt.

Dated 19th Augt. 1863.

31 + 132 A.

Judicial DEPARTMENT.

Year.	Revenue. Ordinary.	Revenue. Extra-ordinary.	Charges. Ordinary.	Charges. Extra-ordinary.	Total. Revenue.	Total. Charges.	Net. Surplus.	Net. Deficit.

Extract from Department Government of India. No.	Date.	Office to which the proposition refers.	Nature of Charge. Present Scale.	Rs.	A.	P.	Proposed Scale.	Rs.	A.	P.	Proposition. Permanent. Increase per Month. Rs. A. P.	Permanent. Decrease per Month. Rs. A. P.	Temporary. Increase per Month. Period.	Rs. A. P.	Temporary. Decrease per Month. Period.	Rs. A. P.	Casual or Extraordinary.	Grounds of Proposition.	Local Government's recommendation.	Orders of the Government of India. Department. Remarks.	Financial Department. Remarks.	Financial Department. Orders.
		Civil and Sessions Court at Coimbatore	1 Subordinate Judge	1400			1 Civil and Sessions Judge	2000			600							Vide letter to the Secretary to the Government of India Home Department 19th May 1863 No 762.	Favourable			
			1 Head Writer & Sheristadar	100			1 Head Writer & Sheristadar	100														
			1 Sazur & Civil Record Keeper	50			1 Sazur & Civil Record Keeper	50														
			1 English Writer	35			1 English Writer	35														
			1 Coomastah	28			1 Coomastah	28														
			do	17	5		1 do	17	8													
			2 do Cutcherry each	25			2 do Cutcherry each	25														
			1 Government Vakeel	15			1 Government Vakeel	15														
			1 Sheriff	10			1 Sheriff	10														
			1 Moorchee	8			1 Moorchee	8														
			2 Dalayats at 8 Rs each	16			2 Dalayats at 8 Rs each	16														
			4 Peons at 7 Rs each	28			4 Peons at 7 Rs each	28														
			1 Sweeper & Massalgee	5			1 Sweeper & Massalgee	5														
			Total Rs	1740	5		Total Rs	2340	8		600											

Fort St. George,
The 19th May 1863.

8661

No.

Forwarded for sanction to the Home Department of the Government of India.

Chief Secretary to the Govt. of Fort St. George.

