M.R.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1397	Press Mis.	
171-173. Dated	23-9-	19-1864	

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 23rd September 1864.

Read again Proceedings 24th August 1864, No. 1272.

Read also the following papers :—

No. 171. From E. W. BIRD, Esq., Civil Judge of Tanjore ; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Tanjore, 12th September 1864, No. 923.

In obedience to the Orders of Government, No. 1272 of the 24th August 1864, I have the honor to submit the following observations on the letter therein referred to from Mr. Franklyn of Negapatam.

2. In the first place I beg to observe that, on inquiry, it has been ascertained that the letter is pseudonymous. There is no such person known at Negapatam, either as a permanent or temporary resident as Mr. A. Franklyn. Efforts are being made to trace the writer, which, if the Government will be pleased to transmit to me the original letter forwarded to them, for identification of the hand-writing, will probably be successful. It is suspected with reason that the letter comes from a person in the public service, to whom it is matter of consequence that Mr. Cross' Court should speedily be removed from Negapatam to some other distant part of the Tranquebar Zillah.

3. In regard to the pseudonymous writer's suggestions, they are, I beg to submit, highly objectionable on every ground. The transfer of Mr. Cross' Small Cause Court from Negapatam, where small causes abound, to Mayaveram, where there are few such but much litigation for real property, is absurd. The removal of Mr. Kindersley's Court from the centre of a most important and thickly populated District full of petty suits, to Manargoody, a small place, where new Court Houses and buildings for the purpose must be erected and small causes are not so numerous, is also a suggestion not worthy of consideration.

4. It is quite true that the Railway would enable the residents of Negapatam and Tritrapoondy to reach this Court quicker than many of them could arrive at Tranquebar by walking the 19 miles between Negapatam and the Civil Court there to which these Taluqs are now attached ; but the Civil Court of Tanjore is already a very heavy Court without the addition, to its jurisdiction, of the two Taluqs in question. The proposal to equalize the labor, by transferring the two District Moonsiffs of Combaconum, and the District Moonsiff of Velangaman to the jurisdiction of the Civil Judge of Tranquebar, is simply preposterous. The Combaconum Taluq supplies more than 3rd of the entire litigation in the original and appeal files of this Court, and, to lay this burden on the Judge at Tranquebar, relieving him of the two lightest Taluqs he now has (Negapatam and Tritrapoondy) will be not to equalize the work, as (the alleged) Mr. Franklyn states, but to increase it unduly in one Court, while the other, over which I preside, will have its files diminished out of all proportion.

5. In regard to distances the writer is also wrong. The thickly populated Taluq of Combaconum is distant 43 miles from Tranquebar, measuring from its western limit, by one road, and 46 by the other, or high road *viâ* Mayaveram. The latter is the usual route taken by passengers. To save therefore a walk of 19 miles to the Negapatam and Tritrapoondy suitors, the so-called Mr. Franklyn would compel the far more numerous residents in the Combaconum Taluq to travel about 46 miles (to Tranquebar), or nearly double the distance (23 miles) they have now to go to reach the Civil Court here.

6. In regard to the nature of the suits filed in the two portions of the Tanjore District, the comparison is unfavorable to this writer's scheme. In the Combaconum and Velangaman Taluqs, 45 per cent. of the suits filed are for realty, and mortgage claims not cognizable by a Court of Small Causes, and therefore appealable to the Civil Court. In the thinly populated and impoverished Taluq of Tritrapoondy, on the other hand, the average of such suits will not be found, I believe, to exceed 10 or 15 per cent. For every appeal from the latter Taluq, there are certainly 6 or 8 from the decisions of the District Moonsiffs of Combaconum and Velangaman. Consequently, if Mr. Franklyn's plan were adopted, 6 or 8 suitors would be compelled to walk 45 miles to the Appellate Court at Tranquebar, to save one person the trouble of travelling on foot the 19 miles which separate Negapatam and that place.

7. In a geographical point of view the proposal is absurd in the extreme. It would effect a division of the District between the two Civil Judges, the most irregular that can be conceived. The boundary line would traverse east, west, north, and south as may be seen by any map.

8. In conclusion, I would deprecate any alteration of the arrangements so fully considered and decided on by the Government so late as April last, when, by public Notifications in the *Gazette*, the local limits of the two Small Cause Courts of this District were settled and defined. The present arrangements are the best, and should not, in my opinion, be altered.

No. 172. From R. G. CLARKE, Esq., Civil and Sessions Judge of Tranquebar; to the Honorable A. J. ARBUTHNOT, Chief Secretary to the Government of Fort Saint George, dated Tranquebar, 14th September 1864, No. 533.

I have the honor to acknowledge receipt of the Order of Government, dated 24th August 1864, No. 1272, forwarding for my observations a letter addressed to the Government by Mr. A. Franklyn of Negapatam.

2. It is proposed by the writer of this communication that an alteration should be made in the territorial jurisdiction of the Zillah Courts of Tranquebar and Tanjore on two grounds:

(1.) Of general convenience to suitors; and,

(2.) Of more even distribution of work.

3. It is pointed out that the station of the District Moonsiff of Tritrapoondy is about 50 miles, or 2½ days' journey distant from the Zillah Court of Tranquebar, and Mr. Franklyn suggests, as the Tanjore Zillah Court is easily accessible by rail from Negapatam, that the two Taluqs of Tritrapoondy and Negapatam should be transferred to the jurisdiction of the Tanjore Court, and that *per contra* the jurisdiction of the Tranquebar Court should be extended over the permanent and additional District Moonsiffs' Courts of Combaconum, and over that also of the District Moonsiff of Velangaman, all of which are stationed at Combaconum and at a distance of not more than 30 miles from Tranquebar.

4. I would observe that even by the direct road through Mayaveram the distance between Tranquebar and Combaconum is 40 and not 30 miles. The town of Velangaman is five miles further to the south, and some of the hamlets in the Combaconum Taluq are quite as remote as the station of Tritrapoondy from the Court

of this Zillah. So far then from facilitating the convenience of suitors generally, the effect of Mr. Franklyn's suggested arrangement would be to shift the burden of distance from the unimportant Taluq of Tritrapoondy, to be borne by the inhabitants of the Taluqs of Combaconum and Velangaman, which are conveniently situated as regards the Tanjore Court, and which supply a large proportion of the work on the files of the Tanjore Zillah Court.

5. I cannot but note with surprise that while Mr. Franklyn has thought it necessary to recommend a change of jurisdiction in reference to Negapatam, which is within 20 miles distance of Tranquebar, he should have entirely lost sight of the interests of an equally important Taluq, Trivalore, also on the line of rail, yet nearly twice as far removed from the Court of this Zillah.

6. As respects Mr. Franklyn's second ground of recommendation, a more even distribution of work, I believe that the division of labor has been so fairly and nicely adjusted under the existing arrangements that it would be difficult to determine whether the larger moiety of litigation in the Tanjore District falls to the Zillah Court of Tranquebar or of Tanjore, and this just equipoise would be effectually disordered by Mr. Franklyn's suggestions.

7. In conclusion, I would state that upon inquiry I have been unable to discover that any person of the name of Franklyn is residing in Negapatam. Some adventurer would seem to have assumed this counterfeit name for the purpose of intruding upon the consideration of Government a proposition which has no ground of public utility to recommend it, and which is too plainly put forth to advance some private end.

No. 173. ORDER THEREON, 23rd September 1864, No. 1397.

To be recorded.

(True Extract.)

J. D. SIM,
Secretary to Government.

Exd. J. Tulloch.

Judicial Department.

3rd 7

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Proc: 24th Augt. '64 No. 1272.

Read also the following letters—

From the Civil Judges of

Tanjore ——— Enter 12th Sept. '64 No. 923.

Trinqueban ——— 14th do ——— 533.

Order — 23 September 1864 No. 1397.

To be recorded

1st

The original letter
may be sent to
the Board, I think

Original letter of W. Shaw Esq.
sent to the Civil Judge of Tanjore
by docket 29/9.

Judicial 1864. Department.

No. 1397

PROCEEDINGS *of* GOVERNMENT.

Feb. 2241.

Dated 23 September 1864

171 of 73.