

Government of Madras.

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*Proceedings of the Madras Government, Judicial Department,
19th February 1864.*

Read the following papers:—

No. 126. From R. B. COTTON, Esq., Civil Judge of Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 2nd December 1863, No. 265.

I have the honor to acknowledge the receipt of the Order of Government, Judicial Department, No. 1824, dated 25th November 1863, directing me to make over to the Small Cause Court that part of the Palace which was occupied by it before it went on circuit, and respectfully to solicit a re-consideration of the same for reasons which I shall submit without delay through the High Court. Suffice it to say that the Sub-Court, that is, Principal Sudder Ameen's, is now established in it, and no provision has been made for where it is to be held. With due deference I submit the Sub-Court is of equal, if not higher standing than the Small Cause Court, having more extended powers and jurisdiction; for obvious and cogent reasons it has always been attached to the Civil Court.

2. Mr. Goldingham in his letter to me said he proposed the Principal Sudder Ameen would be able to find accommodation in the place where the former Additional Principal Sudder Ameen was, when there were three Judges. The Additional Principal Sudder Ameen was next on a very limited Establishment, and without any necessity for records, &c., to dispense Appeal suits in the Principal Sudder Ameen and Civil Courts.

3. The place is described by Mr. Goldingham himself in paragraph 4 of his letter to you, and I need hardly say is quite unfitted for a Subordinate, Civil and Criminal Court.

4. Pending further orders, therefore, I beg I may be pardoned giving effect to the orders of Government, which I feel persuaded have been passed without considering the actual fact of the premises being now occupied, as they have always been, by the Subordinate Court; and that they were only said to be available for the Small Cause Court, as the Government had abolished the Court which it subsequently re-established.

No. 127. From J. D. GOLDINGHAM, Esq., Judge of the Court of Small Causes of Madras; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 2nd December 1863, No. 70.

I have the honor to submit to the Government a letter I wrote to the Civil Judge of Madras and his reply thereto, wherein that officer declines at present to comply with the Government Order* of the 25th ultimo, and to request further instructions on the subject.

* No. 1824.

2. As I am thus obliged to find accommodation for the carrying on of the business of the Court, I would request the permission of the Government to send in a Bill for extra tenage, the same as that allowed to the Sub-Collectors, for the time I shall have so found the accommodation.

From J. D. GOLDINGHAM, Esq., Judge of the Court of Small Causes of Madras; to R. B. COTTON, Esq., Civil Judge of Madras, dated 2nd December 1863, No. 63.

With reference to the enclosed Proceedings of Government, I have the honor to request you will be good enough to let me know when it will be convenient to you to make over to me the portion of the building set apart for the use of the Small Cause Court.

3. I also request you will be good enough to direct the Principal Sudder Ameen to leave me that portion of the furniture which was originally set aside for the Small Cause Court, and which has been used during my absence by the Principal Sudder Ameen.

(True Copy.)

(Signed) J. D. GOLDINGHAM,
Judge.

*Proceedings of the Madras Government, Judicial Department,
15th February 1864.*

From R. B. COTTON, Esq., Civil Judge of Madras; to J. D. GOLDINGHAM, Esq., Judge of the Court of Small Causes of Madras, dated 2nd December 1863, No. 295.

I have the honor to acknowledge the receipt of your letter, No. 63 of 1863, of the 2nd instant, with enclosure requesting to be informed when it will be convenient to me to deliver over to you the portion of the building set apart for the use of the Small Cause Court; and in reply to inform you, I have made a further reference to Government direct, and am about to address the High Court also on the subject; and till I receive further orders and instructions as to what is to become of the Court, and establishment, and records of the Sub-Court, I cannot comply with your request.

2. On your complying with the instructions of the High Court of the 12th May 1863, paragraph 1, and furnishing me likewise with a copy of the list of furniture nominated for the other Small Cause Courts, I shall be prepared to consider the matter referred to in the 2nd paragraph of your letter.

No. 128. From R. B. COTTON, Esq., Civil Judge of Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 23rd December 1863, No. 299.

With reference to my letter of the 2nd instant, I have the honor to state that I addressed the High Court on the 6th, on the subject. I have this day received in reply a letter from the Registrar, informing me the question is one for the executive authority, in which it is unnecessary for the Judges to interfere, and that any considerations which I may wish to urge in favor of my proposition should be submitted by me direct to Government. I beg therefore to submit, for the consideration of Government, copy of my letter to the High Court, so containing my reasons for asking a re-consideration by Government of its Order, dated 23rd November 1863, No. 1874.

From R. B. COTTON, Esq., Civil Judge of Madras; to C. F. CHAMBER, Esq., Registrar of the High Court of Judicature, Madras, dated Madras, 6th December 1863, No. 279.

I have the honor to request you will be good enough to submit, for the consideration and orders of the Chief Justice and Judges of the High Court, the following circumstances.

1. On the 10th June last year the Government in their Proceedings, Order No. 898, were pleased, when establishing Small Cause Courts, to direct the abolition of certain Subordinate Courts, the one at Madras among the number, from the 1st July; and at the same time directed the Civil Judges to ascertain and report direct to Government what accommodation was available for the new Courts.

2. On the 13th June, in accordance with the above order, I reported "that the Government having been pleased to abolish the Sub-Court at this station, it appears to me that the portion of the old Palace lately occupied by the Sub-Judge, together with such of the Sub-Court furniture as may be required, are available for the new Small Cause Court." At the same time, paragraph 2, I submitted against the abolition of the Sub-Court.

3. The Government thereupon, in their Proceedings (20th June 1863, No. 1018), approved of the arrangement proposed by me for making over to the Small Cause Court, about to be established, that portion of the Palace which had been hitherto occupied by the Sub-Court; and, with reference to my protest against the abolition of the Sub-Court, it intimated it would await a communication from the Sudder Court on the representation I had addressed to the Judges.

4. I mention the above circumstances principally to show that it was only, and solely, on the presumption that the premises lately occupied by the Sub-Court would not be again required for it, that I stated they were available for the Small Cause Court.

5. The Government, however, as the Judges are aware, were pleased to view my protest against the abolition of the Sub-Court favorably, and on the 6th December 1863, No. 1081, they expressed itself—"In these circumstances, it appears to His Excellency the Governor in Council,

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"that there is no alternative but to replace the Principal Sudder Ameen's Court as a temporary measure;" and having obtained the opinion of the Honorable the Judges of the High Court on the subject in its Proceedings of the 23rd January 1864, No. 98, the Principal Sudder Ameen's Court at Madras was by Government Order revived, and M. Sadasiva Pillay was appointed, on the 10th February 1864, Principal Sudder Ameen of Madras.

7. Owing to some mistake in the Government office, the Government Proceedings, reviving the Principal Sudder Ameen's Court, had not been furnished to me; and I accordingly, on the 20th February, addressed the Secretary to Government pointing out that, though the above individual had been appointed Principal Sudder Ameen, no notification regarding the establishment of a Principal Sudder Ameen's Court had yet been published, and I had received no information whatever of the opening of such a Court, or any instructions for forming an establishment for it. Hereupon Government, 24th February 1864, No. 292, issued a notification of the Principal Sudder Ameen's Court being established at Madras under the provisions of Regulations VII and VIII of 1827. It was not, however, until April that I was informed by the Government Order, dated 14th April 1864, No. 561, that the establishment had been sanctioned.

8. In February I was aware from the notification in the District Gazette that the Small Cause Court was about to proceed to Dinidigal, and from thence to Ramnad, and, as the Court premises always hitherto held by the Sub-Court would be again vacant, I thought it unnecessary to make any reference in the matter; but, as a matter of course, when the Sub-Court was revived, I made over to the Principal Sudder Ameen the premises, furniture, and records which I considered belonged to his Court.

9. After an absence of eight months, Mr. Goldingham intimated to me his intention of bringing the Small Cause Court back to Madras, and requested to know if I had any objection to his resuming his old quarters in the Palace which he occupied before proceeding on circuit. I replied that those quarters were only made available for him because there was then no Principal Sudder Ameen; but that since one had been appointed, and the quarters in question belonged to the Sub-Court, and had always been held by the Sub-Judge and Principal Sudder Ameen, I could not turn over the Principal Sudder Ameen who was established there with his Court.

10. Upon this Mr. Goldingham addressed Government, and the Government* have directed me to make over to the Small Cause Court that part of the Palace which was occupied by the Court before it went on circuit.

* Order No. 1024, 23rd November 1863.

11. On receipt of the above Proceedings of Government yesterday, I addressed the Chief Secretary, soliciting a re-consideration by Government of its order, and begging that, till further instructions, I might be pardoned not giving effect to them mainly on the ground that no provision had been made by Government where the Principal Sudder Ameen's Court was to be held. I further mentioned that I would represent through the High Court further reasons against disturbing present arrangements, which I now proceed to do, and trust that the Chief Justice will be pleased to support my views, that the Principal Sudder Ameen's Court should continue to be held where, for the last 21 years, it has been, and represent to Government the great inconvenience that will accrue by its removal from the immediate vicinity of the Civil Court.

12. The Civil and Session, and Subordinate Courts of Madras have always been held in an old open Palace, the former occupying the saloon hall and corridors on the right, the latter a spacious and lofty hall adjacent, the records and establishment occupying a portion of the Palace and corridors on the left.

13. About four years ago the hall used by the Sub-Court was pronounced dangerous, and a wall of some eight feet high was thereupon run up to the left of the audience hall, Civil Court, and the space partitioned off, converted into the Sub-Judge's Court, and fitted up with benches, prisoners, bar, &c.

14. The Judges must be well aware (inasmuch as the two Courts are) of the great inconvenience that such an arrangement provides. The Valade employed in both Courts are the same, and use the same portion of the building for their business, and, though engaged in one Court, are

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always, when necessary occurs, at once able to answer a summons from the other. The Government Valuer and Government Criminal Prosecutor likewise are thus at any time able to attend their respective duties in both Courts. The daily applications by the Civil Court to the Principal Sudder Ameen's Court and vice versa for records is not instantly, a book alone being kept common to both Courts in which the application, order for, and return of, the records is entered. During the hearing of a suit, the convenience thus afforded of obtaining in a few minutes records from another Court I feel can be fully appreciated by the Judges. The Treasury of both Courts, and the custody of the furniture and records, are under one and the same guard, and there can be no doubt that, to the public generally, the convenience of both the Appellate Courts and both the Criminal Courts, being under the same roof, is a great convenience. Prisoners under trial, either before the Session or Criminal Court, require but one escort from the Jail, and one guard to watch them, while awaiting to be called up for trial. I feel satisfied that, when the Government incur their order above referred to, it could save have contemplated the improvements that would follow by diminishing old existing arrangements, and forming a Court sitting throughout the year for the sake of one which would require the government only for a portion of it, probably not more than six months.

13. Then as regards the claims of the two Courts to the premises, leaving aside the fact of their always having been occupied by the Sub-Court, the respective establishments of the two Courts are as follow:—

PRINCIPAL SUDDER AMEEN'S COURT.		SMALL CAUSE COURT.	
Jurisdiction.	Establishment.	Jurisdiction.	Establishment.
Original from 1 to 10,000 Rs.		Original Jurisdiction constituted from 50 to 500 Rupees.	
Appeal from 1 to 1000 "		Summary Establishment.	
	24.		24.
Sherutdar	50	Head Clerk	100
1st English Writer	50	Deputy Clerk	20
2nd Do.	31½	Nazir	65
3rd Do.	21	1 English Writer	25
4th Do.	14	Record-keepers	24
5th Do.	10½	1st Gomastah	15
Nazir	45	2nd Do.	10
Civil Record-keeper	50	3rd Do.	15
Criminal do.	17½	4th Do.	15
Jamadar	24½	5th Do.	14
1st Gomastah	21	6th Do.	15
2nd Do.	17½	4 Peons at 5 Rupees	20
3rd Do.	10½	Mundhar	7
4th Do.	10½	2 Sweepers at 4 Rupees	8
5th Do.	10	Head Messenger	10½
Shriff	10	Deputy do.	7
Munshi	7		
1 Messenger	7		
5 Peons at 5 Rupees	18		
Mundhar	4		
Sweepers	24		

The actual office servants requiring accommodation in the office being in the Principal Sudder Ameen's Court 17, against 12 in the Small Cause Court.

14. The records in the Small Cause Court extend amount to my large quantity, while those of the Sub-Court extend over upwards of 20 years, and must of necessity be with the Court where ever it may be determined that it shall be held. The removal of these records would not only involve expense, but, contained as they are in Almirahs, it would be requisite to remove them all and disturb the arrangements of them.

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17. Mr. Goldingham, in his letter to me, evidently without considering the subject, for, he must, had he given the matter a thought, have seen the impracticability of his proposed, states, "I presume the Principal Sudder Ameen will be able to find accommodation in the place where the former Additional Principal Sudder Ameen held his Court, when there were three Judges at the station." This place is a room on the north-east corner of the Palace; in the absence

1 Head Writer	20	20
1 Deputy do.	15	15
1 Head Gomastah	15	15
1 Do.	15	15
1 Do.	15	15
1 Deputy at 1 Rupee	15	15
4 Peons at 4 Rupees	20	20

of a better, it answered the purpose of the Additional Principal Sudder Ameen's Court, inasmuch as the Additional Principal Sudder Ameen was appointed only to dispose of the streams of appeals pending, and had but a small establishment,* and but few records. Mr. Goldingham avoids the idea of such a place as altogether inadequate for the requirements of his establishment which, as above shown, is only two-thirds that of the Principal Sudder Ameen's Court.

18. I have, it is needless to say, no personal interest in the matter, and, although, had the Sub-Court not been abolished, I should most probably have suggested this said room as the only then available place that I know of, for the Small Cause Court, I am prepared to say that I do not think it is suitable for it.

19. The Newbuckhana, which has been occupied for several years past as a Zillah School for 270 boys, is now vacant, and I suggested to Mr. Goldingham that it would probably be a more suitable and convenient place for his Court, and I am still of opinion that it is the best place for it. Mr. Goldingham has made the worst of it, calling it "an old native building." The Court, the Catcher, all being the same, and portion of the same Palace; "surrounded by weavers and lace-makers" as is the Court; "built in the form of domes" as all the native buildings are, Courts Catcher, and even his own dwelling the "Tankum," open "to the wind, sun, and rain in the north, and unsuitable for a Court on account of the great echo and consequent "difficulty of hearing." To these latter objections, I would simply remark that it has been occupied for some years as a Zillah School, and I opine therefore the objections are not such as to render the building as unsuitable to a Court.

20. Mr. Goldingham has, however, admitted that it could be made available for his Court at a cost of some 1100 Rupees, and I opine it would be much better, even at this outlay, it should be made so, than that all the arrangements of the Sub-Court should be disturbed to make a temporary provision for it for, possibly seven months in the year.

21. And this brings me round again to the first point, namely, if the Government are disinclined to re-call their order, and insist on my giving over to the Small Cause Court the Sub-Court premises, what is to become of the Principal Sudder Ameen's Court? If the Newbuckhana requires an outlay on it of 1100 Rupees to render it available as a Small Cause Court, a still larger amount will be requisite to make it so for the Principal Sudder Ameen's Court, inasmuch as rooms will have to be made for the records—I say nothing of the inconvenience that will arise from its being away from the Civil Court.

22. I cannot but express my opinion that Mr. Goldingham has rather exaggerated his grievances: while, during the last eight months, at the small towns of Dindigul, and Ramanad, in the hottest season of the year, he has apparently experienced no great difficulty in obtaining premises wherein to hold his Court; it is curious that he should now object to the Newbuckhana, which is a much finer building than he can have occupied at either of those places.

23. In conclusion, I request that the Chief Justice will be pleased to solicit Government to re-consider and re-call its order of the 25th September, and should it not see fit to do so, that instructions may be furnished me regarding the Principal Sudder Ameen's Court, and where it is to be held, &c., &c. The room in which the late Mudhy, and Additional Mudhy held his Court as inadequate for the Small Cause Court, is altogether so for that of the Principal Sudder Ameen's Court.

(True Copy.)

(Signed) R. R. COTTON,
Civil Judge.

*Proceedings of the Madras Government, Judicial Department,
19th February 1864.*

No. 129.

ORDER IN COUNCIL, 19th February 1864, No. 220.

The Governor in Council adheres to the decision given in the Proceedings of Government under date the 23rd November last, No. 1824, to the effect that the Court of Small Causes should be held in that part of the Palace which it occupied before it went on circuit.

2. The Principal Sudder Ameen's Court should be moved into the Newbathana.

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

Ed. J. Talbot.

JUDICIAL DEPARTMENT.

To

THE HONORABLE SIR COLLEY HARMAN SCOTLAND, Kt.,

Chief Justice of the High Court of Judicature,
Madras.

HONORABLE SIR,

I am directed by His Excellency the Governor in Council to transmit to you the enclosed Proceedings of the Madras Government dated the 19th Instant No. 220.

I have the honor to be,
Honorable Sir,
Your most obedient Servant

A. J. Arbuthnot
Chief Secretary.

Fort St. George.
19th February 1864.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers.

From the Civil Judge of Madurai. No. 2^d. Decr 1863. No 263.
 From the Judge of the Small Causes Court at Madurai. } No. 3^d. - - - - - 70.
 From the Civil Judge of Madurai. No. 21st. - - - - - 299.

Order thereon, 19 February 1864. No 110.

The Governor in Council adheres to the decision given in the Proceedings of Govt. under date the 25th November last. No 276 to the effect that the Court of Small Causes should be held in that part of the Palace which it occupied before it went on Circuit.

2. The Principal Sudder Ameen's Court should be moved into the New building.

W.D. M.

M. J.

To the Civil Judge of Madurai
 To the Judge of the Small Causes Court at Madurai.
 To the Judges of the High Court.

1864/2/20

London of the Bank of
England at the

1860/189

Charles C. C. C. Department.

No. 220

Proceedings of Government.

Dated 19th July 1860
of the 11th