M.R.O. 1—[illegible]—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1043	**Press Mis.**
193-194	
Dated 26—7—1787	

4/5

Not to be folded or roughly handled

No. 193. Read the following letter from C. W. READE, Esq., Magistrate of South Arcot, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Cuddalore, 13th July 1865, No. 55.

It becomes my duty to lay before Government the necessity there exists for some immediate provision being made for the disposal of the Magisterial work of this District. The rapidity with which crime has increased, and proportionately the labors of the Magistracy under the operation of our new Penal Laws, has exceeded my gravest apprehensions, and a recent ruling of the High Court relieving the Subordinate Magistracy from holding preliminary inquiries in cases beyond their own powers, and the examination of which cases is thus primarily thrown on the Superior Magistracy, has increased the difficulty, and the result is that the present Magisterial agency for this District is utterly insufficient to keep pace with the labors devolving on it.

2. In a letter, dated the 15th July 1863, No. 35, I reported to Government on the extent of the Criminal Work performed by the late Principal Sudder Ameen. At that time there were three Taluqs in the District, from which cases adjudicable by the Magistracy above the grade of a 2nd Class Subordinate Magistrate were committed to the Court of the Principal Sudder Ameen, and if Government will refer to my letter, paragraph 2, it will be seen that the cases for nearly an entire half year, or from 1st January to the 15th June, numbered only forty-five, comprising seventy prisoners, and one hundred and seventy-nine witnesses, from the three Taluqs named in the margin*; while, for the corresponding period of the current year, ending on the 30th June last, there were in one† Taluq alone ninety-nine cases‡, the disposal of which fell on the European Magistracy. This amount of work coming from one Taluq is, I conceive, almost sufficient for any single officer, but when to it is added the many and varied other duties required of a Revenue official, it will at once be seen how impossible it is that some portion of his multifarious labors can be otherwise than neglected, or very partially performed.

* Cuddalore, Yellavanasur, Kullacoorchy.
† Cuddalore.
‡ Consisting of upwards of 460 persons.

3. The increase in the Magisterial work in this Taluq alone may be judged of by what I have just stated, and the increase in certain other parts of the District may be said to have increased in proportion; so that now-a-days the time of a Revenue Officer is mainly occupied with Magisterial trials, and he can have but little real leisure in ordinary office hours to attend to any thing else, unless, as is often the case, he attends to half a dozen matters at the same time.

4. The Government will observe that, in my letter above quoted, I expressed the opinion that the Magistracy could not undertake the work theretofore performed by the Principal Sudder Ameen's Court without some additional and special assistance; but I did not then press for this, because I imagined it was in contemplation to confer on the Judge of the Small Cause Court the same Criminal powers that had been exercised by the Principal Sudder Ameen, and this arrangement rendered the consideration of any other unnecessary, as I then remarked.

5. Since that time the Magisterial work throughout the District has gradually been increasing, and this increase has been specially observable in the Cusbah station* of the District, which comprises two large towns, separated by a river, and three miles apart, together with their respective and extensive outlying hamlets. The difficulty has hitherto been in a measure met by my requiring the presence of one of my European Subordinates with full powers to reside at Cuddalore, and the officers named in the margin† have usually taken it by turns; but the arrangement has necessitated their absence for consecutive months from their own Divisions, which proportionately suffer by being at long intervals without a resident Head; and their inability, thus occasioned, to give attention to Revenue and other matters of importance within their own Ranges, has been a necessary consequence.

* Cuddalore.

† Mr. Whiteside, Joint Magistrate.
,, Grose, Head Assistant Magistrate.
,, Wright, Deputy Magistrate.

6. To remedy the existing and increasing pressure of Magisterial work, I know of no other means than to invest the Judge of the Small Cause Court with Criminal powers, but there may be a difficulty in doing this, as by Section 51 of Act XI of 1865, I find that it is rather left to the Judge than to the Government to say whether the Court is able to give up any of its time to other than purely Civil business, and it is very probable that the presiding officer of any Court would be prepared to contend that the state of business did not admit of Criminal powers being thrown on him, in which event I presume that the arrangement could not be authorized.

7. There is only one other mode of meeting the evil that suggests itself to me, and that is by appointing a special Assistant with full powers as Resident Magistrate of Cuddalore, and for such other miscellaneous work as may arise. Such an officer is really much required here; and the miscellaneous duties, such as Emigration, &c., added to his Magisterial, would give him ample occupation each day.

8. Government have forbidden me to use the services of the Salt Deputy Collector as a Magistrate, and it is seldom the Treasury Deputy Collector has the leisure to attend to any but his own immediate avocations, and as for myself I have more than I am able to get through, with the work of correspondence, supervision, and the infinite variety of matters daily claiming my attention, besides my being constantly on the move, so that the assistance I ask for is really a matter of necessity.

9. At present the Deputy Collector, Mr. Wright, is absent on leave, and his entire work is thrown on my hands, and the Sub-Collector, who is now at Cuddalore, will have the greater part of the Magisterial work of this Taluq during his stay, though I may occasionally assist.

10. After I had commenced my present letter, I received the original of the enclosed demi-official from Mr. Whiteside, in which he sets forth the difficulties both present and prospective as regards the disposal of Magisterial work, and I can safely say that he has not over-stated these difficulties; and unless Government are prepared to adopt one of the two courses I have ventured to point out, namely, either that the Small Cause Court Judge be invested with Criminal powers, or that a special Assistant be nominated, I see not how the criminal work of the District is to

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26th July 1865.

be got through with, and I fear the result will be that the Taluq Cutcherry and the Station-house here will be over-crowded with remand prisoners under trial, for weeks and weeks before they are disposed of, or their cases are entered upon.

11. Government will be sensible that at this season of the year, however anxious an officer may be to do his duty, it is utterly and physically impossible for any man to devote more than from 7 to 8 hours a day in a heated and crowded office carrying on Criminal trials, yet much more than this is frequently required, and would not suffice to get through what there is to do; and thus I submit that the time has come when I may reasonably claim to be relieved of a pressure of work and anxiety, which I have endeavoured hitherto to meet as well as I could with the agency at my disposal. But further executive aid is not only imperatively called for, as a relief to the officers of the District, but I think it is required in justice to the people, and in order to facilitate the administration of Justice under our present Criminal Law; but should Government still refuse the assistance I seek, I must prepare them for other and greater evils which will inevitably follow—the long detention of prisoners, the prolonged delay in the disposal of cases, and the inability after a while of providing accommodation for prisoners in the several buildings at present available, and which are even now at times filled to over-crowding.

12. I am aware that I have written strongly, but not, I think, more so than the urgency of the matter really demands at my hands, and my only desire is to do my part towards securing effective and speedy administration of our Penal Laws, under which crime has become more than multiplied, for already there is much complaint on the part of the people of delays and inconveniences, but which are the result, solely, of a numerically insufficient executive; and I do earnestly hope that Government will be pleased to take my representation into their serious consideration, and grant me the executive assistance so urgently called for, in any manner they may think proper.

(COPY.)

My Dear Reade,

What is to be done about the Magisterial work of this Taluq?

2. It is getting worse and worse. Last year I found it heavy enough, but now it seems to be getting beyond all bounds. I see that Wright tried 99 cases out of this Taluq alone during the last six months; and during the two days that I have had charge of it now, I have had nine cases committed to me for trial. I have now 16 cases in arrears (comprising 35 prisoners and 109 witnesses for prosecution and defence) awaiting trial, and I know of three more that are to come to me to-morrow. Now this is quite beyond me. I do all I can, and never shirk a stroke of work that I ought to attempt. Last year my own file of cases from the Sub-Division was 227 cases; I thought then that I had done rather well trying them all, but I confess my inability to add to those that are daily coming in from my own Taluqs the enormous amount of work produced by the Cuddalore Taluq. The more I try to do, the heavier the work seems to become; and I am obliged to say that I do not see my way through all this, that is without very great delay in taking up the cases, and the worst is that so much Magisterial work unavoidably entails neglect of my Revenue business.

3. I should explain that the cases I have alluded to just now are quite distinct from many other complaints, which, under the recent highly disagreeable order of the High Court, have been addressed to me, and in which on some day, very far distant in the future I suppose, I shall issue summonses and commence inquiries.

4. I feel sure you will not misunderstand my motives when I ask is it not possible to get some officer who may regularly take in hand and deal with this extraordinary Taluq.

CUDDALORE, *6th July* 1865.

(Signed) W. S. WHITESIDE.

(True Copy).

(Signed) C. W. READE,
Magistrate.

No. 194. ORDER THEREON, 26th July 1865, No. 1043.

The Governor in Council resolves to invest the Judge of the Court of Small Causes at Cuddalore with the powers of a Magistrate, under the provisions of Section 51, Act XI of 1865, within the limits of the Revenue Taluqs of Cuddalore, Yellavanasur, and Kullacoorchy, in the District of South Arcot.

(True Extract).

Chief Secretary.

To the Magistrate of South Arcot.
„ Civil Judge of Cuddalore.
„ Judge of the Court of Small Causes, Cuddalore.

Exd. J. H. Burns.

Judicial Department.

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PROCEEDINGS** of the **MADRAS GOVERNMENT.

Read the following

Letter from the Magistrate of South Arcot

(Hereunto 13th July 1865 No 55)

Order thereon 26th July 1865 No 1043

The Governor in
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of the Court of Small Causes at
Cuddalore with the powers of
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in the District of South Arcot

To the Magistrate of South Arcot.
" Civil Judge of Cuddalore
" Judge of the Court of Small Causes Cuddalore

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Judicial 1865 S. Department.

No. 1046.

PROCEEDINGS *of* GOVERNMENT.

Dated 26 July 1865.

193-194.