

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1668	Press
		<u>Mis.</u>
Dated	22 - 11 - 19	1885

184-185

6/9

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
22nd November 1865.*

No. 184. Read the following letter from the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 2nd November 1865, No. 66.

I am directed by the High Court to acknowledge the receipt of your letter, dated 14th of September last, No. 1317, forwarding an anonymous complaint against the Civil Judge of Trichinopoly, and requesting the Court to cause inquiry to be made into the truth of the statements, and to communicate their opinion to Government.

2. The Chief Justice and Judges are of opinion that they cannot properly institute any such inquiry upon an anonymous petition such as that referred to. They sit constantly in public to hear and redress such grievances as may be brought forward in an open and regular manner, but they have invariably declined to allow the powers with which they are vested over the up-country Courts to be called into action by anonymous communications.

3. Believing that the Government generally proceed upon the same principle with regard to anonymous charges, it appears possible to the Chief Justice and Judges that the Government have been misled by the abstract translation of the petition. It purports to be from certain inhabitants of Trichinopoly, but no name is given, and the petition is not signed.

4. I am accordingly directed to return it.

No. 185. ORDER THEREON, 22nd November 1865, No. 1668.

The Governor in Council fully recognizes the objections which, as a general rule, attach to acting on anonymous petitions; but he is of opinion that when, as in the case now under notice, such petitions contain specific assertions capable of ample and ready proof or disproof, explanation in respect to such assertions may properly be called for, without regard to the mode in which they have been brought forward.

2. The statements made in the petition adverted to in the letter which was addressed by order of Government to the Chief Justice, under date the 14th September last, to the effect that an unnecessarily large number of Vakeels had been appointed to the Trichinopoly Court, and that the Sheristadar had introduced several of his relations into offices in the Court, were such as could be readily proved or disproved by a reference to the Civil and Session Judge. As, however, the Honorable the Judges of the High Court have declined to make such a reference, the Governor in Council resolves to direct that the petition in question be forwarded direct to the Civil and Session Judge, with instructions to report, first, the number of Vakeels at present attached to his Court, and the maximum number, if any, which have been prescribed by the High Court, or may be allowed under the existing system, and, secondly, whether any relatives of his Sheristadar hold offices in the Court, and, if so, what offices are so held.

(True Extract).

Chief Secretary.

To the Honorable the Judges of the High Court.

„ Civil and Session Judge of Trichinopoly, with original Petition.

Exd. J. H. Burns.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Registrar of the
High Court.

(Here enter 2nd November 1856)

Order thereon - November 1856.

The Governor in Council
is unable to admit the validity
of the reasons assigned in the
faring letter by the Honorable
the Judges of the High Court
for declining to institute an
enquiry into the truth of the
statements referred to in the
letter from the Chief Secretary
to the Chief Justice under

I doubt whether it is
desirable to carry this
one the further with
the High Court and
whether in Council
we simply call upon
the S.D. for the information
noted in p 3.

Long experience shows that the H.C. Judges can
not write further. 2 The statements made
in the Petition therein advert-
ed to, to the effect that an
unusually large number
of Vakils had been appointed
to

3 But if we do not
to them I should have the com

to the Trichinopoly Court and that the Shrivastadar has introduced several of his relatives into offices of the Court were such as could be readily proved or disproved by a reference to the Civil and Session Judge and in the opinion of His Excellency in Council such a reference should have been made.

3 The Governor in Council now directs that the Petition in question be forwarded to the Civil and Session Judge with instructions to report 1st the number of Vahels at present attached to his Court and the maximum number, if any, which have been prescribed by the High Court & secondly whether any relatives of his Shrivastadar hold offices in the Court and if

etc

some were different from the which fully recog- nizing the objection of attack & acting on among many petitions generally - yet that some such petitions do contain attractions specific capable of triumph & ready proof & explanation in respect to such a description may be properly called for without regard to the mode in which they have been brought before the Court - As to the H.C. & the different H.E. & C. reasons the lecture by the Mr. Justice actst. I think, and a proper one will be in the terms of para 3 of the English Observations. On certain occasions we could be treated with difficulty as the records of the amalgamated Sudder Court; if I am later with specific applications made in anonymous petitions have received notice and or may be allowed under the existing system

I think I should acknowledge the letter and comment upon it as in Para 3. above - and I should then take action upon the case and call upon the Collector to give the information required from henceforth too I should think it better to take the initiative & establish the facts, and then call upon the Court to take steps to remedy the evil complained of

I believe I have made the subject of "Surgency" clear & that the "Surgency" is a proper one as far as the Court is concerned such grievances will be in public to hear & rectify. I do not see how the "Surgency" to their practice, I do not see how the "Surgency" matter now under review could be a "Surgency" matter brought before the Court. I believe we have no relation to any judicial matter in which the Court is concerned. I believe the Court is not a court of appeal and the Court is not a court of appeal. I believe the Court is not a court of appeal. I believe the Court is not a court of appeal.

To the Honorable the Judges of the High Court (to be sent with a letter.)
" Civil & Session Judge of Trichinopoly.
with Petition

3.
So, what officers are so held.

Vakils in the Township
Court

(3)

Dated

PROCEEDINGS OF GOVERNMENT.

No.

186 . Department.

4.
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Registrar of the High
Court.
(Here enter 2 at 5000/50. 5000)

Order in Council. No 1668 dated 22 Nov/68.

The Governor in Council fully
recognizes the objections which
as a general rule attach to
acting on anonymous petitions.
But he is of opinion that
when, as in the case now under
notice, such petitions contain
specific assertions capable
of ample and ready proof or
disproof, explanation in
respect to such assertions
may properly be called for
without regard to the mode
in which they have been
brought forward.

The statements made
in

W.D.
G.P.
W.D.

in the Petition adverted to
in the letter which was ad-
dressed by order of Government
to the Chief Justice under
date the 14th September last
to the effect that an unne-
cessarily large number of
Dakies had been appointed
to the Trichinopoly Court and
that the Sheristadar had in-
troduced several of his relations
into offices in the Court were
such as could be readily
proved or disproved by a reference
to the Civil and Session Judge.

As however the Hon^{ble} the
Judges of the High Court have
declined to make such a
reference the Governor in
Council resolves to direct
that the Petition in question
be forwarded direct to the
Civil and Session Judge with
instructions to report 1st
the number of Dakies at
present attached to his Court
and the maximum number

if

if any, which have been
prescribed by the High
Court, or may be allowed
under the existing system,
and secondly whether any
relatives of his Sheristadar
hold offices in the Court and
if so, what offices are so held.

To

The Hon^{ble} the Judges of the
High Court.
" Civil & Session Judge
of Trichinopoly
with my Petition.

Msps 25/11.

Pro. of Rev.

Serial 1865. Department.

No. 668.

PROCEEDINGS OF GOVERNMENT.

At 2580.

Dated 22nd November 185-

11/12/65-187-159

650-158-53

14/9/65

184. 185.