

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1773	Press ~~Mis.~~
Dated	8 - 11 -	19 1886

108-110

14/14

Not to be folded or roughly handled

8th November 1866.

Read the following papers:—

No. 108. From R. DAVIDSON, Esq., Acting Civil and Session Judge of Tanjore, to the Chief Secretary to Government, Fort Saint George; dated Tanjore, 19th September 1866, No. 479.

I have the honor to submit the following remarks for the information of His Excellency the Governor in Council, with reference to the Proceedings of Government, dated 15th August 1866, No. 1264, which reached me on the 25th ultimo, on the re-opening of my Court after the recess.

2. On the transfer of the Courts from Combaconum to Tanjore in 1862, Government, in Proceedings dated 23rd September 1862, No. 1571, directed that, as there was no other suitable public or private accommodation available, the former Tanjore Residency and out-buildings should be "appropriated as the location of the Zillah and the Principal Sudder Ameen's Courts," the Civil Judge "being allowed to occupy the upper storey of the Residency at a moderate rate, for a period not exceeding twelve months, within which time he must find accommodation for himself elsewhere," "the Collector being permitted to rent the terrace bungalow for his own use." The District Engineer was required to fix the rents to be paid, which he did at the rate of Rupees 90 per mensem for the portions of the Residency used for public purposes, and of Rupees 50 per mensem for the upper storey used as a private residence by the Judge, and this arrangement has continued up to the present time.

3. Mr. Bird, the Civil and Session Judge, having, by letter No. 595, dated 15th July 1863, represented that "the rooms on the upper storey (which consist of one dining room, one bed room, and two enclosed verandahs, dressing and bath rooms) were only approachable from below, conveniently, through the drawing room; that without the drawing room the upper apartments were scarcely habitable, and that the drawing room was not required for the use of the Civil Court," induced Government to pass Proceedings No. 1211, dated 28th July 1863, acceding to his request to be allowed to include the drawing room among the apartments rented to the Civil Judge as his private residence.

4. A quotation from Mr. Morris, the Collector's letter, (without number) dated the 16th August 1862, with reference to the Proceedings of Government, No. 1273, dated the 9th idem, will, I think, remove all doubt as to the necessity that existed at the time, for permitting the Judge to occupy a portion of the Residency as a private dwelling. Mr. Morris remarks—"There is very little house accommodation at Tanjore, and I am sure the Government do not desire a dignified official, of high rank like the Civil and Session Judge, to be compelled to live in a small and wretched place, which is what he will be obliged to do if the Residency is taken away." Not only did Government at once recognise the necessity, but, as shown above, permission was given for the Judge to include the drawing room down stairs among the apartments which he privately rented, as it was not required for the Civil Court.

5. More than this, the Government on the 27th June 1863 passed Proceedings No. 179, directing the immediate preparation, by the Department of Public Works, of plans and estimates for the construction of a new Court House, to accommodate the Civil and Session Judge and two Principal Sudder Ameen's, provision being

entirely approved

Location

made for the additional accommodation of the Court of Small Causes, and one or both of the District Moonsiffs now occupying Mr. Ram's bungalow, at a monthly cost to Government of Rupees 60, should the Civil and Session Judge think it advisable; and I learn from the Superintending Engineer of the Division that the original plan is in the Government office, Public Works Department, at Madras; "that the estimate which amounts to Rupees 48,570 was sanctioned for entry in the Budget of 1864-65 and has appeared in every Budget since, but no appropriation of funds has been made for it."

6. I beg respectfully to observe, that the same urgency that existed during the four years my confirmed predecessors were in the occupancy of a portion of the Residency, exists still. Immediately after receipt of the Proceedings of Government under acknowledgment, I advertised in the *District Gazette* for a house to rent, and I also made every possible private inquiry, and the result is that not a house of any sort or description whatever is available for a private residence. The only house that has been built lately in Tanjore is a small and confined bungalow, answering well to the description of house, which Mr. Morris gave it as his opinion, Government would not wish to see a Judge residing in; it was, moreover, engaged as a Police office prior to the receipt by me of the Proceedings under reply, and is used as such now. One Native, in answer to my advertisement, has offered to build a house, provided I guarantee him, on behalf of myself and succeeding Judges, twelve per cent. on whatever sum he may lay out; but as I am merely a *locum tenens* at present, we could not come to terms.

7. Here I beg to remark, that the ground originally urged in 1862, for desiring the Judge to vacate the upper storey, was to provide greater accommodation for the reception of records. I scarcely think the upper apartments could be turned to advantageous account for that purpose, were they required for it, except at a heavy outlay in securing the whole of the premises against robbers, as required by the Proceedings of Government, dated 18th March 1864, No. 393. They were, however, clearly not required for that purpose three years ago; otherwise, the drawing room would not have been given over to the Judge at a time when the records were ten times more voluminous than they are at present, as, owing to the destruction of many tons of records in the interim, under instructions conveyed in the High Court's Proceedings, 18th February 1865, the space available for the reception of records is greatly in excess of that required.

8. So far as my information and experience go, the great public inconvenience felt, is want of sufficient and suitable accommodation in the Court House itself below (formerly the dining room of the Residency); but inasmuch as the upper storey, besides being smaller, is unsuited for the requirements of the Civil Court House, the removal of the Judge from it would not improve matters below in the least. It may be that exception is taken to the Judge's private residence being in such close proximity to the Court; but in the event of Mr. Bird's suggestion to Mr. Innes being adopted, that the additional Moonsiff's Court at Tanjore should be abolished, this could be easily remedied at once without any additional expense to Government, by the transference of the Principal Sudder Ameen's Court, from the building now occupied within the Residency compound, to the premises in Mr. Ram's house in Tanjore, where the additional Moonsiff's Court is located, the Tanjore Moonsiff being continued in the occupancy of the other portion of the building

as at present. The bungalow now occupied by the Principal Sudder Ameen is nearly a hundred yards, I should say, apart from the Residency, and is altogether a better and more commodious building than the apartment of the Residency now occupied by the Civil Court.

9. As I presume it is not the intention of Government permanently to abandon the idea of building Courts of Justice, suitable to the requirements of so large and prosperous a town as Tanjore, which is situated in a District yielding a revenue of upwards of half a million sterling per annum, I avail myself of this opportunity to point out the increasing expense to Government, occasioned by the delay in building. The house rent paid for the Civil Court for the last four years, at Rupees 90 per mensem, amounts to Rupees 4320. That for Mr. Ram's house, occupied by the Moonsiff and additional Moonsiff for the same period, at Rupees 60 per mensem, amounts to Rupees 2880, total Rupees 7200, add what will certainly have to be paid for both next year, before a new Court to receive all could be built, Rupees 1800, making a total of Rupees 9000, or more than one-fifth of the original estimate for a new building, spent in house rent alone.

10. I trust I have said enough to satisfy His Excellency that the Judge's protracted residence in the upper storey of the Residency has been owing to necessity, and not from choice, and I look with confidence, therefore, to having the same consideration extended to me, that has been shown to my predecessors; but should His Excellency, notwithstanding that the full difficulty of my situation has been explained, still adhere to his determination to cause the occupation of any part of the Residency absolutely to cease before the end of the present Calendar year, then I have no option but to solicit permission to reside at Trichinopoly. This arrangement would undoubtedly cause much public and private inconvenience, especially during the Session, when it would be hard on the witnesses to close the Court at 4 P. M., to enable me to return by the afternoon train to Trichinopoly, and it would entail on Government the additional expense of paying Rupees 600 a year, more, for the upper storey; but I see no help for it, unless indeed there be good foundation for the general expectation, that His Excellency will pay this part of the country a visit during the approaching cold weather, in which case I would beg to suggest that the matter be left in abeyance till then, when the whole question might, I think, be decided with advantage, on the spot.

No. 109. From the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Secretary to Government, Fort Saint George; dated Madras, 31st October 1866, No. 62.

In reply to the Chief Secretary's letter of the 17th instant, No. 1642, I am directed to state that, in the opinion of the Judges of the High Court, the Court of the additional Moonsiff of Tanjore cannot at present be spared, and some time must, in all probability, elapse before it will be possible to abolish it.

No. 110. ORDER THEREON, 8th November 1866, No. 1773.

The Government observe that in their Order of the 23rd September 1862, No. 1571, they distinctly stated that the Judge would be "allowed to occupy the upper storey of the Residency at a moderate rent for a period not exceeding 12

should be appropriated as the
location

Proceedings of the Madras Government, Judicial Department,
8th November 1866.

months, within which he must find accommodation for himself elsewhere." More than four years have elapsed since that order was issued, and the Judge still resides in the Court House.

2. The arrangement is altogether an objectionable one.

3. As, however, Mr. Davidson is only acting in the appointment, the Government will not require him to vacate the premises; but considering the additional accommodation which has been placed at the Judge's disposal since the rent was fixed at Rupees 50 per mensem, they resolve to require him in future to pay one-half of the rental of the entire building.

4. Plans and estimates will be called for, in the Department Public Works, for the construction of a Court House at Tanjore. These appear to have been prepared in 1863, but will probably require revision.

5. Should circumstances prevent or delay the construction of the Court, the Judge on his return will be allowed six months, within which he must provide accommodation for him elsewhere and vacate the premises. Mr. Davidson's idea of the Judge being allowed to live at Trichinopoly, cannot for a moment be entertained.

(True Extract).

Secretary to Government.

To the Honorable the Judges of the High Court.

" Acting Civil Judge of Tanjore.
" Public Works Department.
" Accountant General.
" Collector of Tanjore.

Edw. J. Tulloch.

N^o 479. Tanjore
19th September 1866.
From R. Davidson Esquire
Acting Civil Judge
of Tanjore
To the Hon^{ble} J. Arbuthnot
Chief Secretary to Government
Madras.

Sir,
I have the honor to acknowledge the following remarks for the information of His Excellency the Governor in Council, with reference to the Proceedings of Government dated 15th August 1866 N^o 1264, which reached me on the 25th ultimo on the reopening of my Court after the recess.

2. On the transfer of the Courts from Combaconum to Tanjore in 1862, Government, in Proceedings dated 23rd September 1862 N^o 1571, directed that, as there was no other suitable Public or private accommodation available, the former Tanjore Presidency and bank buildings should be appropriated as the location

+ 4 years ago.

"location of the bungalow and the
"Principal Government Courts"
the Civil Judge "being allowed to
"occupy the upper story of the
"Residency at a moderate rate,
"for a period not exceeding twelve
"months, within which time he
"must find accommodation
"for himself elsewhere," the Collector
"being permitted to rent the terrace
"bungalows for his own use". The
District Engineer was required
to fix the rents to be paid, which
he did at the rate of Rs 90 per
month for the portions of the
Residency used for public purposes,
and of Rs 50 per month for the
upper story used as a private
residence by the Judge, and this
arrangement has continued
up to the present time.

3. Mr. Bird, the Civil & Session
Judge, having, by letter No 595, dated
15 July 1863, represented that "the
rooms on the upper story (which
consist of one dining room,
one bedroom and two enclosed
verandah dressing and bath rooms,
were only approachable from
below, conveniently, through
the

and this too
with the Judge
offering to pay an
additional rent
for the large room

now situated
4 years ago

24
the drawing room, that without
the drawing room the upper apart-
ments were scarcely habitable,
and that the drawing room was
not required for the use of the
Civil Court," induced Government
to pass Proceedings No 1211 dated 28
July 1863, acceding to his request & he
allowed to include the drawing
room among the apartments
rented to the Civil Judge as his
private residence.

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the Collector's letter, (without number)
dated the 16 August 1862 with re-
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No 1273 dated the 9th Idem, will, I
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for permitting the Judge to occupy
a portion of the Residency as a
private dwelling. Mr. Morris
remarks. "There is very little
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"Tanjore, and I am sure the
"Government do not desire
"a dignified official of high rank
"like the Civil & Session Judge, to be
"compelled to live in a small
"and wretched place, which is

what

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not required for the Civil Court.

wrongly
con-
sidered
the
drawing
room
of the room

5. More than this, the Government
on the 27th June 1853 passed Proclamation
No 179 directing the immediate
preparation, by the Department
of Public Works, of plans and
estimates for the construction
of a new Court House, & accommo-
dation for the Civil & Sudder Judge and
two Principal Cuddumies, provision
being made for the additional
accommodation of the Court of
Small Causes and one or both
of the District Magistrate now
occupying Mr Rams Bungalow,
at a monthly cost to Government
of Rs 60, should the Civil & Sudder
Judge think it advisable, and
I learn from the Superintending
Engineer

what was the
the original
provision
with a view
of the
to the
was

once was built
prior to the
has been
of the
it has been
room

Engineer of the Division that the
original plan is in the Government
office P. D. A. at Madras, that the
"Estimate which amounts to
Rs 48,570 was sanctioned for
entry in the Budget of 1854/55
and has appeared in every Budget
since but no appropriation
of funds has been made for it."

They respectfully observe
that the same urgency that exists
during the four years my command
the decessors were in the occupancy
of a portion of the Residency, exists
still. Immediately after receipt
of the Proceedings of Government
under acknowledgment I have
stated in the District Gazette for
a house I rent, and I also make
every possible private enquiry,
and the result is that not a house
of any sort or description whatever
is available for a private residence.
The only house that has been built
late in Tanjore is a small and
conspicuous bungalow, answering
well to the description of house,
which Mr Morris gave it as his
opinion, Government would not

wish

4

8. So far as my information and experience go, the great public inconvenience felt, is want of sufficient and suitable accommodation in the Court House itself below (formerly the dining room of the Presidency), but in as much as the upper story, besides being smaller, is unsuited for the requirements of a Civil Court house, the removal of the Judge from it, would not improve matters below in the least. It may be that exception is taken to the Judge's private residence being in such close proximity to the Court, but in the event of that suggestion of Mr. Jones being adopted that

No doubt
 this is a
 new
 arrangement

that the additional Moonsiff Court at Tanjore should be abolished, this could be easily remedied at once without any additional expense to Government, by the transference of the Principal Sudder Ameen's Court, from the building now occupied within the Presidency compound, to the premises in Mr. Pann's house in Tanjore where the additional Moonsiff Court is located, the Tanjore Moonsiff being continued in the occupancy of the other portion of the building ^{as at present} as at present. The bungalow now occupied by the Principal Sudder Ameen is nearly a hundred yards, I should say, apart from the Presidency, and is altogether a better and more commodious building than the apartment of the Presidency now occupied by the Civil Court.

9. As I presume it is not the intention of Government permanently to abandon the idea of building Courts of Justice suitable to the requirements

f

The Court House is situated in a good position and is a fine building.

4 years!!!!

Not so - he has had opportunity of building an appropriate residence

of so large and prosperous a town as Tanjore, which is situated in a district yielding a revenue of upwards of half a million sterling per annum, I avail myself of this opportunity to point out the increasing expense to Government occasioned by the delay in building. The house rent paid for the Civil Court for the last four years at Rs 90 per mensem, amounts to Rs 4320. That for Mr. Pann's house, occupied by the Moonsiff and additional Moonsiff, for the same period at Rs 60 per mensem, amounts to Rs 2880. Total Rs 7200. And what will certainly have to be paid for both next year, before a new Court Building all could be built, Rs 1800, making a total of Rs 9000 or more than one fifth of the original estimate for a new building, spent in house rent alone.

10. I trust I have said enough to satisfy His Excellency that the Engineer's protracted residence in the upper story of the Presidency has been owing to necessity, and

not

not from choice, and I look with
confidence, therefore, to having the
same consideration extended
to me, that has been shown my
Predecessors, but should His Excellency,
notwithstanding that the full
difficulties of my situation has
been explained, still adhere
to his determination because
the occupation of any part of
the Presidency absolutely because
before the end of the present calendar
year, then I have no option, but
to return to my residence at
Richmond. This arrangement
would undoubtedly cause much
trouble and private inconvenience,
especially during the winter, when
it would be hard on the members
before the Court at 4 P.M. enable
me to return by the afternoon
train to Richmond, and it would
entail on Court the additional
expense of paying \$1,000 a year,
more for the upper story, but I
see no help for it, unless ordered

There

8
there the good foundation for the
general expectation, that His
Excellency will pay
the part of the Country a visit
during the approaching cold
weather, in which case, I would
beg to suggest that the matter
be left in abeyance till then,
when the whole question might
I think be decided with advantage
on the spot.

I have the honor to be,
Sir,
Your most obedient servant,
Wm. H. Harrison
U. S. Circuit Judge

Porch.

Porch.

There are 3 large
rooms up stairs &
2 Bath Rooms

Rough Plan of a house in Tanjore - (Ground Plan)

The Book is both agreeable with the
Practical part of the same.

Is there any prospect of a Court
House being built at Tangier? If
so what prospects might it have
in comparison of all. and the
likely number of persons to be
with the Garrison. -

The arrangement to go leaves the C. Lodge and
my family and domestic servants of every class as
important to show & polite visitors of each & each
evening to the family, is a most necessary one and as I
thence can see by the time, have only a few seen at a distance
by the table, little, and the rest changed in the best part
of the building not been so many of favorable to the
occupants' kind. Opprobrium for being an excellent
upper classed house were not wanting during the 4 years
it has elapsed since Mr. Wood was independently attended
#

[illegible]

#10 weeks in the "great house",
but if those ladies offend, they
will go on, the ladies need have
built a statue of honor. The
best part is that 57th Street
is a quiet street. I am not
a woman, is very quiet, and a
long as the first person. The
can be found to continue, so
long with the last woman
enough. Above of the table
downed with that - as it
is not to the end of that. I
to go on, opportunity for buying
a quiet a quiet house
was waiting, that if we should
not of it, it was very quiet
have the building on a building.

blowing above me so = as
winding - direction in our
path - beyond the
C) 108° compass - indicated
N 13° E
in Eastwardly { then take
order _____
C) 108°
108

[illegible]

Date 219. }
 Dec 22nd } 1886.

602125

Looking very well now.
 - Have not regard to the
 prospects which exists
 for the negro society
 in part of the late Mission
 preaching the gospel
 without any improvement
 on the subject.

From Court Judge Langre - 19 Sept 1862 - 179
 "High Court" - 30 Oct 1862 - 62

Order thereon 8 Nov 1862 No. 173.

The first time that
 in their order of
 the 23 Sept 1862 No
 1571, they distinctly
 stated that the
 judge would be al-
 lowed to occupy
 the upper story of
 the Residence at
 a moderate rent
 for a period not
 exceeding 12 months,
 within which he
 must find accom-
 modation for him-
 self elsewhere."
 More than four
 years have elapsed
 since that order
 was issued, and

W.D.M.
 J.P.

Rough Plan
 of a House about
 1000 built at Langre
 about 1830. It is
 very large house &
 might have been
 used for 1000 men
 & 1000 horses. It is
 situated on the
 western corner
 of the city. It is
 now occupied by
 a Police Captain &
 his family.
 11.12.66 W.D.M.
 (Not with any
 other plan)

The Judge still
retides in the
Court House, and

The arrangement
is altogether an
objectionable one.

As however Mr
Davidson is only
acting in the ap-
propriate manner, the Judge
will not require
him to vacate
the premises, but
considering the
additional ac-
commodation which
has been pro-
vided at the Judge's
disposal since
the rent was fixed

at Rs. 50 per m^o, they
resolve to require
him in future to
pay one half of
the rental of the
entire building.

Plans & esti-
mates will be
called for in the
D.P.W. for the con-
struction of a
Court H^o. at Yangon.
These appear to have
been prepared in
1863, but will pro-
-bably require revision.

Should circum-
stances present
or delay the con-
struction of the
Court, the Judge on
his return will be

attached ¹⁷⁷³ must
 be then to which
 he must provide
 accommodations for
 him while he is here &
 vacate the premises.
 Mr Davidson's idea
 of the Judge being
 attached to him
 at Richmond by
 coming for a week
 more to be entertain-
 ed.

J. D.

Starch

Honble Judges of the High Court
 Honble Judges of the Supreme
 Public Works Department
 Asst General
 Collector of Sanyas

108-110

1773.
 say by it
 but to provide for
 him to do it in
 the

Judicial 1866 Departt.

N^o 177/3.

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Proceedings of Court

Dated 2^a November 1866.
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