M.R.O. 1—88,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1926 Press ~~Mis.~~

54-57

Dated 12-12-~~19~~ 1886

Vol (1 out) 110

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
12th December 1866.

Read the following papers :—

No. 54. From the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Secretary to Government, Fort Saint George ; dated Madras, 10th November 1866, No. 64.

I am directed by the Acting Chief Justice and Judges of the High Court to forward, for the consideration of Government, a copy of a letter from the Session Judge of Bellary, representing the unprecedented number of cases committed to his Court for trial during the last few months. It will be seen that the Judge has been unable to take up any Civil work since the 6th of August, and that the Criminal work now on his file will occupy the whole of his time for the next two months, besides which fresh cases are reaching him daily.

2. As a remedy for this state of things, the Civil and Session Judge proposes that all fresh cases arising in certain Taluqs should be committed to one or other of the adjacent Courts at Kurnool and Cuddapah. These Courts, however, are fully occupied with their own proper business, and cannot reasonably be expected to grapple with the great accession of work which would thus be thrown upon them. The only remedy which suggests itself to the High Court is the temporary appointment of an additional Civil and Session Judge to the Zillah of Bellary. This special assistance will probably only be necessary for about four months.

From H. E. SULLIVAN, Esq., Acting Civil and Session Judge of Bellary, to the Registrar of the High Court of Judicature, Appellate Side, Madras ; dated Bellary, 29th October 1866, No. 47.

As the Civil Court of this Zillah has been closed since 6th August, and as to all appearance the prospect of its being re-opened is very remote, I feel it my duty to submit the state of the Criminal file for the consideration of the Judges.

2. When I took charge of the Court on the 26th ultimo, I found 59 cases, comprising 302 prisoners, waiting trial. Between that date and the 27th instant, I disposed of 36 cases, comprising 192 prisoners, and examined 107 witnesses. During this period, four Sundays and two public holidays occurred, and two days were devoted to the superintendence of the Modified Special Test Examination.

3. Between the above dates, 39 fresh cases were received, leaving up to date a balance of 62 cases, comprising 249 prisoners and 405 witnesses, undisposed of. I have done all I could, so far as the witnesses are concerned, to prevent their being detained unnecessarily, but, nevertheless, they are inevitably kept for long periods from their homes, and this at a time when agricultural operations are being vigorously carried on after the late drought.

4. The Judges will observe that, in spite of all my exertions, the Criminal work of the District keeps ahead of me, and some measure should, I think, be adopted to remedy this state of things.

5. I do not know what the state of the Criminal file is in the adjacent Districts of Kurnool and Cuddapah, but, if not very heavy, I would suggest, for the consideration of the High Court, the expediency of ordering, under the provisions of Section 35 of the Code of Criminal Procedure, all cases involving offences triable exclusively by a Court of Sessions occurring in the Gooty and Adonie Taluqs of this Zillah to be committed for trial before the Session Judge of Kurnool, and similar cases from the Taluqs of

Tadipatry,	Hindoopoor,
Durmaveram,	Mudduckseera, and
Pennaconda,	Anantapoor

to the Session Judge of Cuddapah, until the Criminal file of this Court has been somewhat reduced. The cases already committed, and not yet disposed of, will occupy me for the next two months, and fresh cases are coming in almost daily.

6. If the foregoing suggestion cannot be acted upon, I trust that some measure may be devised for affording me a little assistance. The present state of affairs is, I imagine, almost unprecedented.

No. 55. Telegram from the Chief Secretary to Government, Fort Saint George, to the Secretary to the Government of India, Home Department, Calcutta; dated Fort Saint George, 27th November 1866.

Owing to the scarcity, crime has been very heavy of late in the Bellary District; the business in the Session Court has been so heavy that the Judge has been unable to do any Civil work whatever since the 6th August. High Court recommend appointment of an additional Session Judge, but it is questionable whether such an appointment can be legally made in this Presidency. The Governor in Council thinks it preferable that an Assistant Judge should be appointed for a limited period, under Section 52, Act VII of 1813. Sanction is requested by telegraph. The case is urgent; Civil business of the Court being wholly in abeyance.

No. 56. Telegram from the Under Secretary to the Government of India, Home Department, to the Chief Secretary to Government, Fort Saint George; dated Calcutta, 28th November 1866.

The temporary appointment of Assistant Judge for Bellary is sanctioned.

No. 57. ORDER THEREON, 12th December 1866, No. 1926.

With the foregoing letter, the High Court submitted an application from the Acting Civil and Session Judge of Bellary, for additional assistance, to enable him to grapple with the great increase of work on the Criminal Side of his Court, caused by the recent scarcity. Mr. Sullivan stated that he had been unable to take up any Civil work since the 6th of August; that his Criminal file was likely to occupy him for the ensuing two months; and that fresh cases were reaching him daily. To meet this state of things, he proposed that all fresh cases arising in certain Taluqs should be committed to one or other of the adjacent Courts at Kurnool and Cuddapah. The Judges of the High Court, however, being of opinion that these Courts were fully occupied with their own proper business, suggested, as the only feasible remedy, the temporary appointment of an additional Civil and Session Judge to the Zillah of Bellary. They remarked that this special assistance would probably be necessary only for about four months.

2. The Governor in Council sees reason to doubt whether a second Civil and Session Court, with co-ordinate jurisdiction, can be legally established in the same Zillah, to afford relief to the existing Court, in the manner contemplated by the High Court. Such a measure would seem opposed to Section 2 of Act VII of 1843, and, indeed, to the whole tenor of that enactment. It would apparently be necessary to divide the District into two separate Zillahs, and to appoint a Judge with separate jurisdiction, and with separate Establishments, under Section 53; but such an arrangement must necessarily involve delay, and would not meet the emergency under which the application for additional aid has been made. It occurred to Government, under the circumstances, that an Assistant Judge might be appointed for a limited period, under Section 52 of Act VII of 1843, to assist the Zillah Judge in his Civil work, and the sanction of the Government of India has been obtained for

Proceedings of the Madras Government, Judicial Department,
12*th December* 1866.

the appointment; but, from statements of the operations of the existing Courts in Bellary, which have been since procured from the High Court, it appears that on the Civil Side of the Court no additional agency is requisite. At the end of the third quarter of the current year, *i. e.*, on the 31st of October last, there were only 5 Original and 72 Appeal Suits on the file of the Civil Judge, and 37 Original and 173 Appeal cases on that of the Principal Sudder Ameen. It is probable that most, if not all, of the Appeal cases on the Civil Court's file are within the competency of the Principal Sudder Ameen to adjudicate, and that Officer has little more than three months' work in his own Court.

3. Turning to the Criminal Side of the Zillah Court, there were pending, on the 31st of October last, 37 Session cases and 6 Appeals, total 43 cases. The greater number of these, viz., 37, were less than a month old, and it is probable that many of them have been already disposed of, while it is not to be expected that the exceptional state of things which has existed in the Bellary District for some months past will continue, the Inspector General of Police having lately reported that, with the improved prospects of the season, crime is decreasing.

4. Under these circumstances, the Government do not consider it necessary that special aid should be afforded to the Civil and Session Court of Bellary.

(True Extract).

Chief Secretary.

To the Honorable the Judges of the High Court.

" Civil and Sessions Judge of Bellary.

Exd. J. H. Burns.

Statement of delay in transmitting the returns showing the operations of the Civil Courts in the Zillah of Bellary during the 3rd Quarter ending on the 30th September 1866.

Courts.	Date on which return ought in accordance to rule, to have been despatched.	Date on which return was actually despatched.	Number of days delay.	Explanation afforded.	Notice taken of the delay by the Civil Judge.
Civil Court	23rd October 1866.	October 1866.	"	The Principal Sudr Amins return was received last on the 16th October 1866.	"
Principal Sudr Amin.	10th Do	15th Do			
District Munsiff of Burgher	10th Do	4th Do			
" of Harandurkera	10th Do	6th Do			
" of Cullendroog	10th Do	5th Do			
" of Gootty	10th Do	9th Do			
" of Bellary.	10th Do	6th Do			

Civil Court:
Bellary 3
23rd October 1866. 3

A Thomson
Actg. Civil Judge.

Memorandum showing the number of Decrees on the merits required and the number passed during the third *quarter of* 1866 *and the operations of Officers invested with final Jurisdiction under* (Madras) *Act IV of* 1863.

ZILLA.	Required.	Passed.	Excess.	Less.	Under Act IV of 1863.	REMARKS.
Civil Judge of Bellary	36	33	.	3		
Principal Sadr Amin	150	169	19	.		
District Munsif of Pungy	60	102½	42½	.	48	
Do. Narainsamoodrum	60	50	.	10	24	
Do. Cullumdroog	60	85	25	.	25	
Do. Gooty	60	75	15	.	28	
Do. Bellary	60	90	30	.	21	
Do.						
Do.						

29/10.

Sg. Joint M
Dr. T. S.

Head Assist
Dr. Ph. S.

Cantonment
Dr. M

Assistant
Dr. Bu
Deputy
Dr. Bl

Genl. Deputy
Inglis

Sub Pch. Dr

Operations of the Criminal Courts in the Zillah of Bellary during the 3rd Quarter of 1866.

1		2		3		4		5		6		7	8	9	10	11	12	13		14	15	16	17	18
Courts.		Pending on the 1st of July 1866		Appeared upon Summons or under warrant.		Received by transfer		Committed for trial or proceedings called for on appeal		Total of Columns 2 to 5.		Dismissed or discharged without trial, or appeal rejected	Acquitted after trial.	Convicted and punished or committed for trial.	Referred to Sub-magistrate, or further Enquiry ordered on appeal	Sentence altered or remitted on appeal	Case escaped, or otherwise disposed of	Total disposed of.		Average number of days between apprehension and disposal	Cases Pending			
																					Under 1 month	More than 1 month and under 3 months	More than 3 months	Total.
		Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Persons.						Cases	Persons					
Session Judge Messrs Kindersley & Sullivan	Trials	2	2	"	"	"	"	91	466	93	468	7	160	83	"	"	21	56	252	3	34	3	"	37
	Appeals	2	4	"	"	"	"	9	11	11	15	4	"	"	"	3	"	5	7	18	3	3	"	6
Magistrate of District Mr A. Wedderburn	Trials	"	"	27	69	"	"	"	"	27	69	"	30	26	12	"	1	27	69	3	"	"	"	"
	Preliminary Enquiries	"	"	2	6	"	"	"	"	2	6	"	"	"	6	"	"	2	6	"	"	"	"	"
	Appeals	"	"	"	"	"	"	1	9	1	9	"	"	"	"	9	"	1	9	8	"	"	"	"
Ag. Joint Magistrate Mr A. S. Foster	Trials	9	17	84	249	"	"	"	"	93	266	"	148	68	35	"	1	87	252	8	6	"	1	6
	Preliminary Enquiries	"	"	5	28	"	"	"	"	5	28	20	"	2	6	"	"	1	5	50				
	Appeals	1	5	"	"	"	"	"	"	1	5	5	"	"	"	"	"							
Asst Assistant Magistrate Mr A. S. Silly	Trials	7	11	62	151	1	2	"	"	70	164	21	"	87	51	"	1	68	160	4	2	"	"	2
	Preliminary Enquiries	"	"	3	12	"	"	"	"	3	12	"	"	12	"	"	"	3	12	6	"	"	"	"
	Appeals	"	"	"	"	"	"	3	3	3	3	2	"	"	"	1	"	3	3	3	"	"	"	"
Cantonment Magistrate Mr McLeod	Trials	1	1	71	80	"	"	"	"	72	81	5	16	57	"	"	1	70	79	3	1	1	"	2
	Preliminary Enquiries	"	"	3	4	"	"	"	"	3	4	3	"	1	"	"	"	3	4	13	"	"	"	"
	Appeals	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
Assistant Magistrate Mr Buck	Trials	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
	Preliminary Enquiries	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
Deputy Magistrate Mr Blake	Trials	3	5	22	40	1	7	"	"	26	52	5	13	33	"	"	"	25	51	4	1	"	"	1
	Preliminary Enquiries	"	"	"	"	"	"	"	"	"	"	"	"	"	2	"	"	1	2	12	"	"	"	"
	Appeals	"	"	"	"	1	2	"	"	1	2	"	"	"	"	"	"	"	"	"	"	"	"	"
Genl Deputy Magistrate Iyalu Naidu	Trials	10	13	103	295	"	"	16	27	129	335	"	149	136	1	"	1	110	287	"	19	"	"	19
	Preliminary Enquiries	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
	Appeals	2	2	"	"	"	"	"	12	7	14	3	"	"	"	8	"	4	11	"	3	"	"	3
All Sub Magistrates	Trials	76	197	907	2237	18	47	5	12	1001	2481	123	555	617	"	"	50	934	2345	4	56	10	5	71
	Preliminary Enquiries	33	97	162	1086	17	33	2	6	214	1222	395	"	548	"	"	41	170	984	8	30	12	"	44

Sessions Court
Bellary
8th November 1866

Note. The Magistrate's return was only received on the 7th November 1866.

A Sullivan
Acting Session Judge.

N. 6.

From the Hon. Asst. Judge
of Bellary

Dated 5th November 1866
Received 13 " "

No 6

Encl: in No 16 of 6th Nov 1866

Proceedings of the
Criminal Courts in
the Hillah of Bellary
during the 3rd Quarter
1866.

of

Tadpatry.
Dummavaram.
Pennaconda.
Hindoopoor.
Madduckseera.
and
Anantapoor.

to the Sessions Judge of C
until the Criminal file
Court has been somewhat
The cases already pending
not yet disposed of will
me for the next two mon
fresh cases are coming
most daily.

6. If the foregoing
cannot be acted upon I
some measure may be d
affording me a little ass
The present state of affair
imagine almost unprec

I have &c
(Signed) H. E. Su
Asst Civil &
(True Copy)
W Butler
Registra
Bellar

Encl: 1 to No 6 an

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from Registrar High Court, Madras.

dated 10th November 1866 No 64.

Read ~~Telegram to the Secy to the Govt of India Home Dept.~~ 27th Nov. 1866
~~Do from Under Do~~ 6th Nov. 1866

Order thereon. 12th December 1866 R. 1926.

With the foregoing letter the High Court submitted an application from the Acting Civil & Session Judge of Bellary for additional assistance to enable him to grapple with the great increase of work on the Criminal side of his Court caused by the recent scarcity. Mr Sullivan stated that he had been unable to take up any

Judicial 1866 Department

No

From The Registrar of the High Court of Judicature at Madras.

To The Secretary to Government.

Dated 10th November 1866. Rec'd 12th

No 64 of 1866.

Transmitting for the orders of Government a letter from the Acting Civil & Sessions Judge of Bellary requesting that a Deputy Collector may be appointed to assist him in the disposal of the Criminal business of his Court.

Referred to the Hon'ble the Advocate General for his opinion as to the power of the Government to appoint an additional Civil & Sessions Judge.

Recd 14th Nov. 1866

The Hon'ble the Advocate General

The Hon'ble the Chief Secretary to Government

I am directed by the Hon'ble the Chief Justice to transmit herewith for the consideration of Government a letter from the Acting Civil & Sessions Judge of Bellary requesting that a Deputy Collector may be appointed to assist him in the disposal of the Criminal business of his Court.

2. The Hon'ble the Chief Justice is of opinion that the Government has the power to appoint an additional Civil & Sessions Judge under the circumstances stated in the Acting Judge's letter, but he thinks that the Government would be justified in making such appointment only in case of urgent necessity.

I have the honor to be
Sir
Your most obedient Servant
(Signed) [illegible]
Registrar

any Civil work since the 6th of August; that his Criminal file was likely to occupy him for the ensuing two months, & that fresh cases were reaching him daily. To meet this state of things, he proposed that all fresh cases arising in certain Talugs should be committed to one or other of the adjacent Courts at Kurnool and Cuddapah. The Judges of the High Court, however, being of opinion that these Courts were fully occupied with their own proper business, suggested as the only feasible remedy the temporary

temporary appointment of an additional Civil and Session Judge to the Zillah of Bellary. They remarked that this special assistance would probably be necessary only for about four months.

2. The Governor in Council sees reason to doubt whether a ~~an~~ Second additional Civil and Session Court with co-ordinate jurisdiction can be legally established in the same Zillah to afford relief to the existing Court in the manner contemplated by the High Court. Such a measure would seem opposed to Section II of Act VII of 1843 and indeed

and 173 Appeal Cases on that of the Principal Sudder Ameen. It is probable that most, if not all the appeal Cases on the Civil Court's file are within the competency of the Principal Sudder Ameen to adjudicate, and that officer has little more than a month's work in his own Court.

3. Turning to the Criminal side of the Zillah Court, there were pending on the 31st of October last 37 Session Cases and 6 appeals, total 43 Cases. The greater number of these, viz. 37, were less than a month old and

and it is probable that many of these have been already disposed of, while it is not to be expected that the Inspector General of Police having lately reported that with the improved prospects of the season crime is decreasing.

4. Under these circumstances the Govt. do not consider it necessary that special aid should be afforded to the Civil & Session Court of Bellary.

To the Hon: the Judges of the High Court.
Civil & Sessions Judges Bellary

1926

Judicial 1865. Department.

No. 1926.

PROCEEDINGS OF GOVERNMENT.

Dated. 12th December 1865.

54-57