

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No.

1871

Press

MS.

Dated

20-11-1926

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th November 1867.

Read the following papers:—

No. 233. From T. G. CLARKE, Esq., Magistrate of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 9th October 1867, No. 74.

With reference to the Order of Government, dated 14th September 1867, No. 1496, Judicial Department, I have the honor to submit the Budget Estimate for the Magistrates of the Town of Madras for the official year ending 31st March 1869, as per form furnished by the Accountant General.

No. 234. From T. G. CLARKE, Esq., Magistrate of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 30th October 1867, No. 87.

With reference to the Memorandum from the Under Secretary to Government, Judicial Department, under date the 23rd October, instant, No. 370, I have the honor to submit the following explanation.

2. I beg to state that I was induced to add 200 Rupees to the present Budget Estimate for an increase of the establishment, because I was apprehensive that, on an application being submitted to Government for the same, I might be informed that no provision was made in the Budget.

3. Two Magistrates are fully occupied in the Town Police Court.

4. The establishment of clerks does not exceed seven, and the duties assigned to each are noted in the margin; their time is fully occupied.

Anasawmy Moodelly, Head Clerk, pay Rupees 50. Minute writer attached to Mr. Clarke, and as Head Clerk has charge of all records and Government papers, and generally assists in the preparation of different processes.

Coomarasawmy Moodelly, Minute writer, pay Rupees 30. As Minute writer of Mr. Campbell works under him till required, and afterwards assists the Head Clerk in comparing depositions and keeps the registry of all committable cases, &c.

Lutchoomana Moodelly, Minute writer, pay Rupees 30. Is the fair writer, fair copies the depositions, and attends to other current work, such as entry of letters, &c., in the book.

Vejiaragavaloo Naidoo, writer, pay Rupees 21. Is also a fair writer and assists the Summons Department in copying out commitments, and in the preparation of monthly statements.

Davasegamonny Moodelly, writer, pay Rupees 21. Prepares monthly statements for the Inspector General of Police and accounts, &c., and attends the High Court and Court of Small Causes to produce records, &c.

Mr. H. French, writer, pay Rupees 21. Is in charge of the Summons Department, and occasionally relieves the Minute writers.

Venkinah, writer, pay Rupees 21. Assists Summons writer, and occasionally the Shroff, in the preparation of Account Particulars and recovery of fines, &c.

5. There are three divisions of the Police under the Town Court, the two first are the most densely populated in all Madras; they likewise include the Fort, the Beach, Shipping, the Banks, Houses of Agencies, Shops, Public Offices, Railway Terminus, and the Municipal Office, &c. All cases occurring in these places and offices are within the jurisdiction of the Town Police Magistrates.

6. From the proximity of the Town Police Court to the offices of the Solicitors the investigation of many of the cases are rendered intricate and lengthy

by the attendance of the gentlemen of the profession, thereby entailing additional labor not only upon the Magistrates, but likewise upon the establishment.

7. Since the operation of the new Police Act (VIII. of 1867), enlarging the jurisdiction of the Magistrates, investing them with power for the summary disposal of the great majority of offences under the Penal Code, and circumscribing, in some measure, the power formerly exercised by the Police, must lead to applications direct to Magistrates in those cases which were heretofore, in the first instance, pre-investigated by the Police, and not committed by them for trial before a Magistrate, until they were satisfied that there was a *prima facie* case.

8. The High Court and the Court of Small Causes being situated within the jurisdiction of the Town Police Court applications are constantly made to Magistrates for processes against parties charged with perjury.

9. An instance occurred only lately when one of the Magistrates, after a *viva voce* inquiry, refused to proceed further, when he was obliged by a Writ of Mandamus, issued by the High Court, thoroughly to investigate the alleged charge of perjury, which entailed considerable labor; and after the examination of twenty witnesses, all reduced to writing, the charge was eventually dismissed by the Magistrate, there not having been, in his opinion, sufficient evidence before him to justify the committal of the person for trial.

10. This fact is merely noticed to show how much is imposed upon the office of the Town Police Court, with an establishment inadequately paid, and unequal in number for the due performance of the same.

11. The time and services of two clerks are chiefly engrossed in the preparation of the elaborate monthly Criminal Statistics required by the Inspector General of Police, and two others are employed in the preparation of Commitments, Warrants, and other Processes, &c., leaving three for the general duties of the Court.

12. The Summons Process takes up a greater amount of time and labor now, for the reason that gentlemen of the profession have lately, to avoid technical objections, taken to drawing out their own summons, and these are obliged to be carefully supervised by the Magistrates and copied by clerks themselves.

13. One of these three clerks is employed in the fair copying of Depositions, Minutes, &c., of special cases, and of those committed to the Sessions, the other two* in copying the proceedings of all ordinary cases.

* NOTE.—One of these two clerks is also obliged to be in attendance in the High Court during the Sessions, and frequently to produce records in the High Court and the Court of Small Causes on the Magistrates being served with subpoenas for their production; he is not, therefore, always available for in-door office work.

14. The number of books kept in the office are given in the margin; every one of these books must be brought up to date.

- | | |
|--------------------------------|---|
| 1. Committable Case Book. | 11. Summons Case Application Book (rough and fair). |
| 2. Police " " | 12. Subpoena Application Book, (rough and fair). |
| 3. Scamen's " " | 13. Commitment Register Book. |
| 4. Marine Police " " | 14. Account Particulars. |
| 5. Boat " " | 15. Registry of Maintenance Orders. |
| 6. Alkarry " " | 16. Whipping Register. |
| 7. Municipal " " | |
| 8. Breach of Contract Book. | |
| 9. Imperial License Case Book. | |
| 10. Summons Case Book. | |

16. Owing to the want of an adequate establishment the fair copies of proceedings of cases are considerably in arrears. These proceedings are often called for by the High Court and Small Cause Court for reference by the Judges, and it is of importance that fair copies should always be on record.

17. All Warrants and Commitments of prisoners were, previous to Act XII. of 1867 of the Government of India, recorded in the office of the Commissioner of Police, but now they are returned to this Court; they are considerable in number, and almost every day added to, and, in course of time, they will be increased to some thousands. Their registry, proper arrangement, and safe custody, are of importance to facilitate reference to them, when those designated "old offenders" are brought up. At present these commitments are in charge of the Office Inspector, but it is objected to as being no part of his duty; hence the employment of a proper clerk is necessary for the due performance of these duties, there being none available for the purpose.

18. There are two Interpreters on the establishment on 100 Rupees each, they are required to interpret in Tamil, Telugu, and Hindoostance. These men are not only hard worked, but are constantly employed as clerks acting directly under the Magistrates.

19. It is almost impossible to define the peculiar nature of all the duties the Magistrates are called upon to perform. Many of these involve labor and detail, and require a ready knowledge of the law and existing Acts of the Legislatures in India.

20. At present there is not a single individual on the establishment of the Magistrate's Court who can readily afford assistance by his experience in office, and knowledge of the course of procedure, &c.

21. The Magistrates are obliged to make use of the Interpreters as far as they are able to afford assistance, although they are most inadequately paid for the duties expected at their hands—Vide note in the margin.

HIGH COURT, ORIGINAL SIDE.	
Chief Interpreter.....	400
Deputy do.	236
Persian do.	250
APPELLATE SIDE.	
Interpreters.....	250 each.
SMALL CAUSE COURT.	
Chief Interpreter.....	175
Persian do.	100
ROYAPET POLICE COURT.	
Interpreter.....	150
Police Commissioner's Interpreter.....	150
TOWN POLICE COURT.	
2 Interpreters.....	100 each.

22. It is impossible that, with the present rate of wages assigned to clerks in the Town Court, the Magistrates can secure the services of any man really trustworthy and fit to be a Magistrate's Head Clerk, and efficiently perform the duties required of him.

23. These are the special grounds which induced me to make the note in the Budget.

24. I beg to state that as regards the amount of receipts of fines, fees, &c., in the Vepery Police Court being estimated at less than the actual for 1866-67, it is explained that the amount was calculated upon the actual collections of the last four months, which averaging less than the previous year, the amount in the current Budget was, according to that data, estimated for twelve months.

25. As to the estimated receipts and disbursements of the Process Service Fund, I beg to state that the Order of Government noted in the margin, as regards this Fund, having come into

operation after the elapse of nearly four months of the official year it was, therefore, estimated for eight months only. This, I have reason to believe, is in accordance with instructions received from the Accountant General's Office.

No. 235. From T. G. CLARKE, Esq., Magistrate of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 1st November 1867, No. 88.

I have the honor to submit herewith, in original, a letter from Captain Weldon, the Magistrate of the Royapettah Police Court, dated 31st October 1867, No. 158, together with the amended Budget Estimate for the official year 1868-69, from which it will be seen that Captain Weldon has increased the estimate by 50 Rupees per mensem; and as he has himself explained fully the grounds upon which he was induced to modify his original Estimate, I feel it unnecessary to add any thing further than submit the same to Government.

4

I have the honor to forward, herewith, an amended Budget Estimate for the year ending 31st March 1869, in substitution of the estimate dated 29th August 1867.

* About 50 Rapes per mensem

4. Although a slight increase of work may be anticipated, owing to the fact that the Police are not now at liberty to inquire into complaints preferred in a very extensive class of cases, yet I think the most material difference will be found rather in the *nature of the cases* adjudicated, than in any material increase in the number. I would therefore, should Government accord permission, propose to increase the efficiency of the Court establishment by securing the services of competent officers in preference to merely increasing the *number* of the present inefficient staff.

6. For the purpose of this letter it is not necessary to enter at present into details of the mode in which I propose to carry out the necessary reform.

8. I will feel obliged by your kindly submitting this letter to Government, with my revised Budget Estimate.

A

III. Law and Justice.										Explanations for the variations between the Budget Estimates of 1868-69 and 1867-68.
13, Criminal Court.	Royapet Police Court.									
	Number.			Actuals.			Estimates.			
	1866-67.	1867-68.	1868-69.	1866-67.	1867-68.	1868-69.				
<i>Salary and allowance.</i>				RS.	A.	P.	RS.	RS.		
Magistrate.....	1	1	1	11,359	8	5	11,400	12,000		
<i>Establishment.</i>										
Clerks.....	8	8	8	3,828	0	0	4,176	4,776		
Servants..	3	3	3	192	8	0	210	210		
Contingencies....	0	0	0	93	11	6	144	144		

Salary hitherto drawn by Magistrate presiding at Royapet has been transferred to Mr. T. G. Clarke, Town Police Court. For explanation in increased estimated cost for Clarke, vide letter 156, herewith.

(Signed) T. WELDON,
Magistrate of Police.

5

I am given to understand that the Magistrate of the Town Police Court has applied to Government for an increase to the establishment of his Court. I have thought much of the advisability of applying for a revision of the establishment of the Vepery Police Court, but I delayed doing so, fearing my request might not carry much weight as I have sat but a short time in this Court.

No. 237. ORDER THEREON, 20th November 186 , No. 871.
The Governor in Council is not prepared to sanction the provision in the Budget Estimate of the Magisterial Courts, for 1868-69, at the Presidency, of any increase to the establishments, until it has been clearly ascertained that the introduction of the New Police Act, No. VIII. of 1867, has materially increased the work of those Courts respectively.

3. Mr. T. G. Clarke is requested to report, after communication with the Inspector General of Police, whether the elaborate monthly Criminal Statistics, referred to in paragraph 11 of his letter, dated the 30th ultimo, No. 87, cannot be reduced.

Chief Secretary.

„ Do. do. Vepery Court.
 „ Inspector General of Police.
 „ Accountant General.

Exd. J. Tulloch.

No

The Government will consider,
when submitted to them, the applica-
-tion for an increase to the Establish-
-ment of the Vepery Police Court.

P. R.

I agree with
Mr. Phil. Rogers
and would not
sanction any increase
until the new Act has
had a further trial

The Governor in Council has
trans the provision in the
Budget Estimate of the Magis-
trates Courts for 1868-69, at
the Presidency, the increase
proposed to be made in the
Mount Royapettah Court Esti-
mation.

I do not consider that sufficient grounds
are shown for the proposed increase
to cost of State. As they should not
Captain Heldon wait - see
whether increase of his new Police Act - see
the Magistrate of the 1st District - is worth doing out
- - - of the 2nd - is worth doing out
- - - Accountant General - is worth doing out
Captain Heldon might
recall his estimate
if he does not like it
with himself
from 1868

MR FB.

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

From M. J. H. Clarke, Magte of Police. Recd. ^{9th 11th Star} 30th Oct. 1874 No. 87 + 80.
— Capt. L. E. Bonadille. Magte of Police — 13 Nov — 80.

Order thereon 20 Nov. 1874 No. 1871.

The Governor in Council is not prepared to sanction the provision in the Budget Estimate of the Magistral Courts, for 1868-69, at the Presidency, of any increase to the establishments, until it has been clearly ascertained that the introduction of the New Police Act, No. VIII of 1867, has ^{materially} increased the work in those Courts respectively.

13 Nov
5-12-80
17-1-72
10-9-57
enc 477/5075

P.
W. H. L.
W. H. L.
G. G.

Army

2. Any recommendation
however from the Magistrates
for the revision of the
existing establishments,
within the authorized grant,
will receive the favorable
consideration of Government.

3. Mr. J. L. Clarke is
requested to report, after com-
munication with the
Inspector General of Police,
whether the elaborate
monthly Criminal Statistics
referred to in paragraph
11 of his letter dated the
30th ultimo, No 87, cannot
be reduced.

M. V.

To J. L. Clarke Esq. Magistrate of Police
Inspector General of Police.
The Magistrate of the Police
Inspector Police Court
G. O. V. P. Court
Accommodation General

diag 22/11-

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John B. ...
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John B.
1867. Department.

No. 1871

PROCEEDINGS OF GOVERNMENT.

2530237-2628-

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Dated 20. *...*

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