Sectt. II.27—45,00 —15-11-35.

Judicial (~~193~~ 1881) Department.

Ordy SERIES.

G.O. No. 1791

DATED 31-8-1881

Confidential

[Despatch Abstract.]

Mr. Sharkeys' appointment
as T. D. C. in Ganjam

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

OFFICIAL MEMORANDUM.
ENDORSED ORDER.
TELEGRAM.

[Office-copy.]

Judicial

No. 1223 of 81.

The attention of the District Magistrate of Tinnevelly is requested to G.O. 5th April last No 685. J.D. calling for the result of the reference to the High Court in the case referred to in G.O. 27th December 80 No 2906 Judl. Depte. An early answer is desired

(Signed) C. G. Master
Offg Chief Secy.

15 – July 81.

Memo-Order.

× No.

O.M.
Ref. } No. of
Tel.
of

[Note.—This outer docket need only be filled in in the Public and Judicial Departments.]

No. 1242 Tinnevelly
19th July 1881

From,
J. B. Pennington Esqre
District Magistrate
Tinnevelly

To,
C. G. Master Esqre
Offg Chief Secretary to Govt.
Fort Saint George

Sir,

With reference to your Official Memorandum No. 1,223 dated the 15th Instant (Judicial Deptt), I have the honor to inform you that the result of my reference to the High Court to review the decision of the Deputy Magistrate of Salem in case No. $\frac{14}{1880}$ on his file, has not yet been communicated to me.

2. I have this day sent a reminder to the Government Pleader to let me know the result by return of post if

possible.

I have the honor to be
Sir
Your Most obed^t. Serv^t.

J. Pennington
Distt. Magistrate

Compd. AP. J.C.

Dept
Coll Magte Tinnevelly

TINNEVELLY Dist Magtes OFFICE.

From

The District Magistrate

Tinnevelly.

To

The Chief Secretary to
Government
Fort St. George.

Dated 19th
Despatched 20th
Received 24
July 1881

No. 1242

ENCLOSURE 6

~~Subject.~~

CURRENT No. 2191

Informing that the result of his reference to the High Court to review the decision of the Deputy Magte of Salem in Case No 14 of 1880 on his file, has not yet been Communicated to him.

N 252

List of
(Judicial Department) order No 683 of the 5th April 1881 referred to in letter from the District Magistrate Tinnevelly to Government Pleader Madras No 660 dated 18th April 1881.

Letter from the Dist. Superintendent of Police Tinnevelly to the Inspector General of Police Madras No 101 dated 3d February 1881 with two Enclosures - - 3

Do from the Superintendent of Police Salem to the Inspector General of Police Madras dated 14th March 1881 No 209 with two Enclosures. 3

6

Dy Collector
for
District Magistrate

In Jud No 2376/81

Comp H.C

Tinnevelly 3rd February 1881

From
The Superintendent of Police
Tinnevelly

To
The Inspector General of Police
Madras

Through Dy Inspr. General of Police

Sir

I have the honor to acknowledge the receipt of your Endorsement No. 34, 8th January 1881, which accompanied G. O. 27th December 1880, No. 2986.

2. I regret that I am unable to submit a comprehensive report on the subject since all the records connected with the case were sent to Salem when it was transferred to that district

3. I have, however, no hesitation in recording my conviction that the Police acted throughout in good faith, and I consider also that the greatest credit is due to Inspector Calleanarama Moodely and 1st Grade Hd Constable Badshah Meah Sahib No 1743 for the excellent service rendered by them in bringing a formidable conspiracy to light.

4. The petition's assertion that the whole of the proceedings held in the case in Tinnevelly were

In Judl 2376/81

, is an utterly unfounded

5 His allegation that Head Constable Badshah Meah Sahib fabricated his name and address on an embosed envelope is false, the fact being this:- The Head Constable had received information that one of the accused persons, Subromony Iyen was in the house of a Constable Peramanayagum Pillai No. 643 in Madura. He accordingly went there, watched his movements, carefully, and detected him in the act of posting a letter to the address of "Arunachellum Chetty, care of Village Munsif Pillay, Puliakurichi." The Village Munsif referred to is no ther than the petitioner himself. The Town Inspector of Madura was with the Head Constable when this important circumstance occurred, and he without delay recorded a Statement made by Subromony Iyen. It fully orroborated the confession made by Arunachellum hetty before the Ag Head Assistant Magistrate n regard to the House Breaking in the house the Sheristadar of Trichangode. He also d that he had mortgaged a portion of the

Pillay, from whose possession they were recovere on the same day (19th February 1880). The letter which Subromony Iyen wished to post was found to contain another one addressed to Arunachellam Chetty by one of the individuals concerned in the crime, Kistna Assari of Bhowany: it bore the Bhowany postmark, 15th February 1880. There were some curious phrases in it, "Come quickly" "Don't delay", and the like. It also contained a sentence that Subromony Iyen should be informed of the welfare of the "Village Munsif Pillay".

6. Subromony Iyen when produced before the Sub. Magistrate of Madura Town repeated his confession, and also acknowledged before him that the letters had been found in his possession in the abovementioned manner. He again repeated his confession before Mr. Hebbert.

7. The Constable referred to in para 6 of Petition No. 96, is the man in whose house – Subromony Iyen was residing. He is a grandson of Arunachellam Chetty. He was present when the letters were seized, and had the Head Constable been guilty of fabricating petitioner's name over the embossed cover, as

conceive, have at once brought it to notice. As a matter of fact he said nothing about it for I believe 4 months when his deposition was taken by the Deputy Magistrate of Namakal Salem District. Subramong Iyen did not say a word about it either before the Sub-Magistrate of Madura Town, or before Mr. Hebbert.

8. The documents in my opinion tend to show that the petitioner abetted the offence, and being also of opinion that he and his companions were associated with a gang of wandering thieves, I on the 10th March 1880 addressed a letter on the subject to the Superintendent of Police Salem and suggested that Section 401 should be added to Sections 457, 380, & 109 P.C. Copies of my letter and that of the Ag Head Assistant Magistrate are herewith submitted.

9. Petitioner is a village Munsif, and if as alleged by him his property had been illegally attached by the Police, it is strange that he made no representation of such illegality to the Ag Head Assistant Magistrate when he appeared before him in March 1880.

He did

until November 1880. It is certain that when his son's property was attached under the Ag Head Assistant Magistrate's warrant no objection was raised by the members of the family, and not one member asserted that the property, so attached, was exclusively the petitioner's.

10. Petitioner was not handcuffed by the Police of this District. He and his companions were delivered over to the charge of the Salem Inspector on the 6th March 1880, and the gravity of the offence with which they were charged being considered, it is probable enough that the Inspector deemed it necessary to use handcuffs as a precaution against escape when the prisoners were escorted by train to Salem.

I have the honor to be
Sir
Your most obedient Servant
W. Cunningham Major
Superintendent of Police

Mr Dooles
C.S.D.I.G.S.R.

Kanala personal presence

Police Department

From
The Supdt of Police
Tinnevelly
To
The Inspector General of Police
Madras.

Dated 3d
Despatched 4th } February 1881
Received

No. 101
Enclosures 2

16 FEB 81

Replying to Chief Office
R. No. 134 on the subject
recorded in the Petition of
Ayilandum Pillai referred
to in G.O. No. 2986 of 24th
Decr 1880.

16 FEB 81

In Judl: 907/81

Tinnevelly Head Assistant

Shermadevi 7th March 1880.

From
The Ag Head Assistant Magistrate
Tinnevelly.

To
The District Magistrate
Tinnevelly.

Sir

On the 12th December, a house breaking case took place in the Sheristadar's house at Trichengode Salem District, nothing was known of who the thieves were.

On the 13th February last from information received one Arunachellam Chetty was arrested in Manyakolem. He then made the following confession. I include details given afterwards.

2. That he went in Kastigai last to Puliyankulam: that the Village Munsif there and the Taliari and 4 others went to Madura, that at Madura the Village Munsif left them and returned to Tinnevelly. That he and the others went to Erode where they met one Kistna Assari a Tinnevelly man, but residing at Bhowany and also one Ramalingam Iyer residing in Salem. That they went to commit theft in Gopichettipaliyam but they did not succeed, so Ramalingam Iyer took the Maravers to Trichengode where the robbery was committed

3

In Judl No 2376/81

name having occurred in the confession. He, ough not one of the theives, admits he was in orrespondence with Kistna Assari and Arunachellam hetty, that Arunachellam Chetty had gone to Pulizakurichi to get men to commit another robbery. He admits having assisted to get rid of one of the jewels stolen at Salem. Besides this a large correspondence was discovered with these two men.

4 The mass of the correspondence is written on apparently trade matter but both from the confessions and the very nature of the letters it is perfectly clear that Kistna Assarri, Ramalingam Iyen, Arunachellam Chetty and the Village Munsif of Pulizakurichi are associated together to commit robberies. Siwasangu Tevan who was hung some time back appears to have also been in league with these men. The enquiry is not yet finished, but so far as the evidence now goes Arunachellam Chetty, Ramalinga Iyer, Kistna Assarri and 4 Maravers will be charged with the Salem robbery.

5. The Village Munsif of Pulizankurichi & Pulizankolem and Subromony Iyen will be charged with abetment. The Village Munsif's onduct is open to question on these grounds.

6. It will be proved that Arunachellam vas in his village & took the Taliaries & other

away.

Subromony Iyen) that he provided [illegible]

It will be proved that the Taliari was away from his village without leave and that he, the Village Munsif did not report this, which if he was not aware of the purpose of his absence he would have done. It will be proved that a letter to Arunachellam containing criminal correspondence was addressed to his care. He says he does not know Arunachellam. His denial of the fact is itself evidence of his complicity. His son was also implicated directly and a share in the booty was reserved to him. Further evidence may be produced before the Court in which these men will be tried.

7. I think it very necessary that this District be represented in the enquiry which seems to me a very important one & I would therefore suggest that some Officer of this District be deputed to watch this case.

I have &c
(Signed) F.H. Hebbert
Dy. Head Qrtrs Magr

No. 506 To be returned

No. 243

Forwarded to Supdt of Police who is requested to depute an Inspector or Station Officer accordingly.
8-3-80
(Signed) J.B. Penington
Dt. Magistrate

"True copy"
W. Conningham Major
Superintendent of Police

No 2
Enclosure to letter
No 101 to the Inspr
General of Police

In Judl: 907/81

Head Asstt Magistrate's Letter No: 38 dated 9 March 1880.

No. 177

Office of the &c
Tinnevelly 10 March 188

From
The Superintendent of Police
Tinnevelly.

To
The Superintendent of Police
Salem

Sir

I have the honor to forward the marginally noted letter for perusal and return, and request that you will be good enough to instruct 1st Grade H. Constable Badshah Meah No. 743 who has proceeded to your district to join the Inspector of Trichangode at Madura and assist that Officer in the preliminary investigation.

2. With reference to para 4 of the Ag Head Assistant Magistrate's letter. I request that your Inspector may be instructed to add Section 401 to Sections 457, 380, & 109 P.C. when charges are laid by him before the Magistrate at Trichangode.

I have &c
(Signed) H. E. Coningham
Supdt of Police

"True copy"
H. E. Coningham Major
Superintendent of Police.

In Judl (No 2376/82

Kanala personal presence
was charged with

Encl. No 1 to letter
to G. General
No 101

In Judl: 907/81

No. 209

Salem. 14th March 188

From

THE SUPERINTENDENT OF POLICE.
SALEM.

To

THE Inspector General of Police
Madras

Sir,

I have the honour to return the enclosures received with your Memorandum No. 1155 dated 21st Febry. 1881 and to inform you that it is quite true the Petitioner was handcuffed when en route from Tinnevelly to Salem. The offence charged was a non Bailable one and seeing the case had occurred so far from the homes of the Prisoners, that they were mostly maravers (a very dangerous class) and that the information we had led us

In Judl. No 2376 9-81

Kanala personal file
was charged with.

most formidable conspiracy against Society I am of opinion the Inspector was quite right in taking every possible precaution to prevent escape.

Many of the prisoners' relations accompanied them from Tinnevelly to Salem and no doubt would have assisted their escape en route had such been practicable.

The Inspector denies Petitioner was handcuffed to a Maraver but he and Soobbaramanya Iyer were hand cuffed together, Petitioner should not associate with "habitual Criminals" and "Convicted felons" if he does not wish to be treated as they are.

The Case was a very intricate one but was ably worked out - that attributable to the great and endless delays which were most deplorable.

I append for your perusal and return the Special Reports dated 9th August 1880 and 12th March 1881 of the Inspector Ramachendrier.

I have the honour to be
Sir
Your most obdt. Servt.
[illegible] Major
Superintt. of Police

Compd
[illegible]

M. Davies
[illegible]
18.3.81

[illegible]: 987/01

Kanala personal files

1086

No. 209/81

From
The Superintendent of Police
Salem

To
The Inspr. General of Police
Madras

Dated 14th } March 1881
Despatched }

ENCLOSURE 6

SUBJECT.

Submitting for his perusal the diary of Inspector Ramachandra (that may be returned), & returning the enclosures received with letter No. 1155 21-2-80.

No. 3

Tichengode
9th August 1880.

To Major W. J. Pickance
Supdt. of Police
Salem

Respected Sir,

I beg respectfully to submit the following my report on Samier's case.

On 11th Feb: 1880, the Police Inspector of Nanguneri in Tinnevelly District received information to the effect that one Arunachellum Chetty (a native of Ambasamoodrum now residing in Madras) had come down to oan Vamiraya Tenen at Mun .uncolum (a bad Charac of the place) in order to collect people for commi offences; and he imme proceeded to the villa

Insp. Genl. No 2376/81

questioned the said Chetty who, after giving several prevaricating statements, said that he had come down there at the request of one Kistna Chary of Bhowany in order to collect people to commit Burglaries and robberies in Salem and Coimbatore Districts. When more sifting enquiries were made, he said that he had also very recently committed a Burglary in the Sheristodar's house at Trichengode. The man was immediately arrested and produced before the Sub-Magistrate of Nangunéri on 12th Feb: 1880, before whom he made a clear Confession and implicated the marginally noted persons as having been concerned with him in the Sheristodar's Burglary case. In his Confession statement, the man said that one Soobramany Iyen of Veerasamoodrum in Ambasamoodrum

Vellakannu Tévén — 1.
Muthu Tévén — 2.
Ramiah Tévén — 3.
Madathyp Tévén — 4.
Subiah Tévén — 5
Subiah Tévén — 6
Munakanala Puroomal Pillay — 7.
Ramalingam Iyen — 8.

Taluk, is an acquaintance of his, that he had left him behind at Madura with instructions that he was to join him when he returned from Tinnevelly with Maravers to go to Salem and Coimbatore for the proposed robberies, that the four waist-coats (called ravikais) and some false pearls that came to his share in the Sheristadar's Burglary case had been sent by him by haughty to his son at Pottalpudur in Ambasamoodrm Taluk. The Chetty's son's house was accordingly searched and the articles named above were found, which were admitted by the Chetty to be part of the stolen property that came to his share. His statement had been recorded by the Magte.

Head Constable Sachamu of Nangunari proceeded to Madura where he arrested Soobramany Iyen named by the 1st accused Arunachel

When he was arrested, a letter was found on his person which he said was written by a third party in Madura at his dictation and signed by himself. This letter is directed to Arnachellum Chetty to the care of Pooliakoorchi Moonsiff. The letter was examined. In it was enclosed another letter written by Kistna Chary from Bhowany who says that good trade (meaning Thefts and robberies) could be had if he come as already arranged. Soobramany Iyen asks in his letter that Arnachellum was to come sharp with the men and that the Goddess at Madura, when consulted on the matter, had also given a favourable reply. He also said that when he was in Madras, he received a letter from Arnachellum that he in company with the other accused committed the Burglary in Sheristadar's house and that he was

-avella personal pilgrimace

was Charged with

not given his fair share by the Maraners. When he joined the 1st Accused (Arnachellum Chetty) at Madura in the month of January last, the latter gave him a pair of "Pusparaja Chundra mirigui" and desired him to go and see one Soniah Pillay and see if he could lend upon it Rs 10/- and that he accordingly went and pledged it with the said Soniah Pillay and brought and gave him Rs 10/-. This jewel was admitted by the Chetty to be part of the stolen property and subsequently identified by the Complt to be his. This man's Confession Statement was recorded by the Madura Town Sub Magte and subsequently by the Tinnevelly Hd Asst Magte —

In his Confession Statement, Soobramany Iyen said that when he was in Madras, Arnachellum wrote to him to say that the Boliakoorchy Moonsiff Collected and gave him 6 clever [illegible] nal [illegible] was Charged with.

persons to commit the Burglary in Sheistadar's house. The Hd. Assist. Magte. of Tinnelly issued warrants for the arrest of Arnachellum's Co-prisoners and also one for the arrest of Akilandum Pillay (V. M. of Paoliakoorchi) who is said to have collected and given people for the Commission of the above Burglary.

In the meanwhile, Kistnachary of Bhowany was arrested and he likewise made a similar Confession before the Sub Magte. of Sinkary and also said that he had pledged a pair of silver anklets and a silver waist cord with one Balaram Chetty of Bhowany. These were taken possession of and were identified by the Complt. to be his.

The Nanguneri Police searched the house of one Iyyapparasa Talyven of "Terookúrungúdi" who is a relation of most of the Maravers concerned in the case and who is himself

was charged with.

a bad Character; and one
"Rackady" and a silk woman
cloth called "Anapappoli" were
found from his house - These
were subsequently identified by
the Complt. to be his and a
warrant was thereupon is-
-sued by the Trichengode
Sub Magte. for the arrest of
the said Iyapparasa Talyuen -
Of the 6 marauders implicated
by Arunachellum Chetty, the
marginally noted persons
had been arrested on warrants
issued by the Tinnevelly Hd.
Asst. Magte. - These persons
were Chargesheeted and
produced before the Sub Magte.
of Trichengode and before
he could take up the case,
the Deputy Magistrate Mr.
Rajagopala Chariar sent
orders and had the case
transferred to his file -

Valley kan Tevan - 1.
Muthia Tevan - 2 -
Subiah Tevan - 3 -
Subiah Tevan - 4.

√

The Complt. and other
witnesses were summoned to
appear on 29th April last
and were accordingly pre-
-sent on that day with the
exception of the Complt. &
the case was consequently
[illegible] for perjury [illegible]
was charged with.

On this date all the parties were present, but as the Dy Magte was engaged in the Namkul rioting case, the parties were told to go and that the case would be taken up by Mr Sharkey, his successor in office. The parties were accordingly summoned to appear on 3rd June 1880 and on the following day the case was taken up at Veyloor. Mr Pritchard defended the accused.

The Dy Magistrate, after reading the depositions of the witnesses for the prosecution, discharged the accused persons with the exception of Arnachellum, Kistna Chary and Soobramany Iyen.

The Complt Samier who said before the Trichengode Sub Magte that the jewels and clothes found with the accused, belong to him and that they are part of stolen property, subsequently said before the Dy Magte that they looked like his and that of which according to his own statement, he was aware. He was convicted & sentenced to 4 weeks impt.

Arunachellum & Kistna Chari cited defence and the case was finally closed on 30th July 1880 on which date they were both convicted and sentenced each to 18 months rigorous Impt. —

In conclusion I beg to state that a considerable damage was done to the case in consequence of its having been delayed for a long time and a fair opportunity thus given to the witnesses to be tampered with.

I beg to remain
Respd Sir
Your most obedt Servt
T. Ramachendra ...
Inspector of Police —

Returned in 15 parts
J. [illegible]

Lu Judl: 907/81

[illegible] Marc[illegible]
[illegible]ypde
[illegible]rch 1880

To

Major W. J. Pickance
Supdt. of Pol[illegible]
Sale[illegible]

Respected Sir —

With reference to t[illegible] accompanying papers for-warded to me for report I beg to state as follows: —

On information being ~~obtained~~ received from Tinnevelly that one Arunachellum Che[illegible] was arrested in Nanguneri and that he made certa[illegible] statements regarding the House Breaking case that took place in the Sheristo[illegible] house here, I was direct[illegible] to proceed at once to Nanguneri and to work out the case in co-operat[illegible] with the Tinnevelly Police.

I accordingly proceed[illegible] to Nanguneri on 22d Fe[illegible]
[illegible]
was Charged with.

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i Chetty and
ma^he^ear Confession
ade
is ll in the Sheristadar's
ery and implicated
al Maraners of the
ist who, from his State
t, appeared to have
Successfully Exploit:
Coimbatore Salem
other Districts for
al years past under
guise of tradesmen.
eral postal letters were
so seized on him wh.
ded to prove his
ory. He also said that
portion of the Stolen jew:
ls was disposed of in
adura to one Somiah Pillay
d that a Brahmin named
obramonea Iyen Assisted
in in the disposal of
Same.

From the Confession
tement of Soobramonea:
which was recorded

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the Maran
the adura een the
^the^ Magistrate and d occur
by the ^a^Hd. Asst. Ma
Tinnevelly, it appeared
the petitioner had in the
men for the Com no ino
of the Burglary in ques

When he was a opa
in Madura, a letter
Seized on Soobramanea
which was addressed
Arunachellum Chetty to
Care of V. Moonsiff Pill
of Pooliakoorchi (Petition
and which contained and
letter bearing the Khonar
Post mark written by th
2nd. accused (Kistna Char
he letter and its Enclose
Exactly corroborated th
Statement of Soobrama
-Iyen and there could n
therefore be the Slightest
doubt that either the thi
petitioner or his son (
-Kanala perumal pill

fec
chetty a
magh warrant
acle ued by Mr
is ll
ery a the apprehension
ial ner and the
ist w implicated by
t, alem Chetty.
Seeing that a warrant
Con issued for his
the petitioner ap:
ed voluntarily before
jt'd Asst Magte and
red to be admitted to
20 which the said Magte
sed to grant, Consider-
ing the gravity of the offence
and the amount of sus-
picion attached to his
conduct.
The petitioner was
d handed over to the Police with
other defendants in
the case to be Escorted to
Samaheyode to take their
Trial in the District in
which the offence was
committed.
Ch A Mc

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fa the
about the End of March
It will thus be seen th
considerable delay had occur
novel to
Trichinopoly and other
to make Enquiries in th
nection with the ca
to procure Evidence in
to Corroborate the Stat
of Annachellum Chetty se
Soobramanea Iyer, I th
it Expedient to use
-cuffs as a precauti
measure to prevent Es
while in transit by tra
from Tinnevelly to Salem
and I submit that in
doing I was not Exceedin
the powers Conferred in
me as a Police officer, si
the offence with which he
had been Charged was a
non-bailable one. I
therefore Conceive that th
Social or official statu
of the petitioner has nothin
to do with the offence he
was Charged with.
I

ey feel
rrants to Chetti
accused by Mr.
is themed us are the
the Trichenpodu and
not been for the
tionary measure I
dopted, I think many
all of the accused
have effected their
pe. It is a well known
that the Maravers
Tinnevelly District are
rror in the mind of
public and taking
consideration the fact
their having conspired
gether and committed
e offence in question
a place which is over
miles from Nanguneri,
became incumbent on
e to adopt the measure
have above indicated.

The assertion that the
titioner was hand cuffed
ng with the Maravers

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about the End of March
It will thus be seen the
a considerable delay had occur
of unnecessary
-lyen and every conside
was shown to the defend the
and in short they were no
put to unnecessary in
-venience as represent
by the petitioner.

I would add that in
soon as the defendant
were escorted to Trichenpodu
Mr. Barrister Pritchard ap-
-peared for the petitioner
before the Sub Magt. and ap-
-plied that the petitioner
might be admitted to bail
This was refused and I
believe that the Sub Magt.
has done so, as he was per-
-fectly aware of the character
and antecedents of the pe-
-titioner while he was the
Tahsildar and Sub Magt.
of Ambasamudram

This

sec
rrants of Chet

etitioner and other Defdts
men of bad repute
that it was absolutely
essary for me to take
revious precautionary step
in order to prevent Escape -

The Counsel for the
titioner Mr. Pritchard, then
lied and had the case
usferred from the file of
e Sub Magte. to that of the
y Magte. of Namkul, who
ot only released the petitioner
bail, but also one Sooliah =
Tenen (Taliary of the Soolia =
kurchi village) in whose
ouse the Chetty and the
2nd accused Soobramonea Iyer
tually stopped for 15 or
o days for the purpose of
collecting the other defendants.

The inquiry with the
ng with the Maravers

about the End of March

It will thus be seen th
a considerable delay had occur
in the commencemen
the inquiry itself; and
coupled with the fact th
the petitioner and ano
Sooliah Tenen were on
it gave a very fair op
tunity for the witnesse
be tampered with in
interval. In consequen
of this long delay which ha
sulted in the tampe
with of the witnesses
have shown above a
miscarriage of justi
taken place and a
of the defendants
effected their discha

The papers forwa
time for report
with submitted

I beg to remain
Respected Sir
Your most obedt. Servt.
T. Ramachendriah
Inspector of Police

In Judl: 907/81

In No 684

1881 DEPARTMENT.

ENCLOSURE S. 6

In a letter from the Inspector General of Police, dated 21st March 1881 No. 1698

In Jud No 2376/81

No. 551

21st March 1881

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

To The Acting District Magistrate
Salem.

Sir,

In returning the records in Calendar Case No. 14 of 1880 on the file of the Deputy Magistrate, I am directed to state that the High Court see no sufficient reason for interfering with the sentences. I am however to observe that the Dy Magistrate ought to have committed the cases to a tribunal which had the power of dealing more severely with such cases.

I have &c
(signed) Lewis Mc Iver
Ag Registrar
Appellate side

(True Copy)

J. S. Pennington
District Magistrate.

In Jud No: 2376/81 P.D.

Tinnevelly District Magte's Offe
No. 1294 Camp. Kuttalam 5th August 1881.

CURRENT No. 23

From J. B. Pennington Esquire
District Magistrate of
Tinnevelly

To C. G. Master Esquire
Offg Chief Secretary to
Government
Madras.

Sir,

Adverting to my letter No 1242 dated 19th July last, I have the honor to inform you that the Government Pleader reports that the High Court in March last disposed of my reference alluded to in G. O. No. 685 dated 5th April 1881 by declining to interfere with the sentences passed by the Deputy Magistrate of Salem. A Copy of the High Court Registrar's letter× No. 551 dated 21st March 1881 Communicating

× Received with Government Pleader's letter No 139 dated 29-7-81.

the above to the District Magistrate of Salem is submitted herewith for the perusal of Government.

2. The enclosures received with the G. O. quoted above are returned.

I have the honor to be,
Sir,
Your most Obed^t Serv^t

J. S. Pennington
District Magistrate

P.D.

Judl. (1881) Dept

TINNEVELLY Collr Sharkey (OFFICE.

From

The District Magistrate

R.D.
12 AUG 81

Tinnevelly.

To

The Chief Secretary to
Government
Fort St. George.

Dated 5
Despatched 8 } August 1881.
Received 11

No. 1294

Enclosures 7

Subject.

CURRENT No. 2376

Reporting that the High Court have declined to interfere with the sentences passed by the Deputy Magistrate of Salem in Case No. 14/1880 on his file.

Revenue Department.

R.D.
15 AUG 81

MINUTE. Ootacamund ~~FORT ST. GEORGE,~~ 25th Augt. 1881.

The President proposes the
following Appointments:—

Mr. W. C. H. Sharkey to be Dy. Collr. and Magte., Kistna, for general duty but to act as Dy. Collr. in charge of the Treasury, Ganjam, during the absence of G. Srinivasa Rao Pantulu Garu on sick leave or until further orders.

M. R. Ry Adaki Sudarsana Rao Pantulu Garu to be Dy. Collr. and Magte., Salem, for general duties — to join at once.

(True Copy)

Y. Masters
Secretary to Govt.

To The Chief Secretary.

3 May 81
No 908

188 . Department.

Minute by the Honorable the President.

Dated 188 .

J Department.

No.

From

Dist Mag^te Tinnevelly d 5 Augt/81

No 1294 reporting result of reference to High Court in C.C. $\frac{14}{1880}$ on file of Deputy Mag^te Sharkey

Q/o 16 Decr. 80 from H E Stokes (Confidl)

Order 31^{st} Augt. 1881. No. 1791.

Recorded

2 - It is observed that by Notifn. dated 25 Augt. Mr Sharkey has been ~~transferred~~ appointed to act as Treasy. Dy. Collr in Salem from 20 May 1881

Copy to Dt Mag. 1280 Salem dispd. 31/8.

In Decr. last, Stokes of Salem reported General Duty Deputy Sharkey, in a very serious way - but, as he added that the Records had all gone to the Hight. for disposal - we ordered the affair ~~to~~ to lie over -

Now, it seems, the H. Ct have relieved Sharkey from censure - after taking amazing trouble into the case -

2 - There was however another case, sent to

FOR ORDERS.

Mr. H.E. Stokes reports his request for Mr. Sharkey's transfer. The matter was ordered to lie over pending the result of a reference to the High Court in the Madura case.

In the Salem case (in re Pritchard) the H. Court came to the conclusion that Mr Sharkey was "not deserving of the censure passed on him by the Dist. Magte" Pro. 3 May 81 No 908

The ~~Mandaur~~ Tinnevelly case was one in which a gang of Maravar conspirators, headed by persons of better ostensible standing, combined to commit burglaries &c in Salem & Coimbatore. On information received certain of the gang were arrested in Tinnevelly, & confessions were made & evidence found implicating them in a burglary which had occurred in a Sheristadar's house in Trichengode, Salem. ~~The~~ inquiry was complete in Tinnevelly & seemed to establish the guilt of the accused. The prisoners were taken to ~~the~~ Salem & placed before ~~the~~ a Magistrate; they or one of them employed a Barrister Mr Pritchard: the case was transferred to the Divl Magte Mr Sharkey in

Sharkey, from Tinnevelly, which he was said to have bungled –

But again the High Ct (who have the power to enhance) decline to interfere with his sentences – tho' they think it was a case, however lying within his jurisdiction, wh shd have gone to the Sessions Ct for trial –

So, under these opinions of the H. Ct – we are bound to say we decline to punish Sharkey.

However – for his own sake, opportunity might by & by be taken, to transfer him to a treasury charge –

J. E. C. 20/8/81.

I think Mr Sharkey shd be tfd without delay to some other Dt.

L. B. 23/8/81

With reference to this note: Mr Sharkey was transferred yesterday [illegible] to act in [illegible]

26/8/81

March 1880: the prisoners though accused of offences coming under 457 & 380, I.P.C., to which the Supt of Police repeated §401 ("belonging to a gang of persons associated to commit habitual theft"), were released on bail: (thus giving as the I.G. Police points out ample opportunity to suborn the witnesses): the case was not inquired into till June following, when on 9th of that month, the more important of the accused persons were discharged under §.215

On reference the High Court declined to interfere with the sentences passed on the rest of the panel with the remark however that they ought to have been committed to a Court which "had the power of dealing more severely with such cases"

If the evidence had been, as the L.G. suspects, 'squared', the H. Ct wd be unable to interfere if the record was otherwise unimpeachable

H 20.8.81

C 20/8/81

No 52

Disposed of by
Judl CO 31.8.81. No. 1791.

FOR ORDERS.

H 20.8.81

Original

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

18th February 1882, No. 208, Judicial.

Read—the following letter from JOHN WALLACE, Esq., Session Judge, Cuddapah, to the Chief Secretary to Government, dated Cuddapah, 5th January 1882, No. 1 :—

Referring to the case of the Queen *versus* Bei Reddi, Venkata Reddi, and others, lately disposed of by this Court, and in which there have been proceedings in appeal before the High Court, while refraining from expressing any opinion upon the merits of those proceedings, I have the honor to bring to the notice of Government, as I understand the matter is under their consideration, an important error in law in the Judgment of the High Court.

2. I allude to the finding and sentence of the High Court. The Judges found the 1st and 2nd prisoners guilty of murder, but the 7th and 8th prisoners guilty of rioting armed with deadly weapons. But the law is,—as it is also English law,—that if an offence is committed by any member of a riotous assembly in pursuance of the common object, every member is guilty of that offence (I. P. C., S. 149). Now the Judges of the High Court having found two members of the unlawful assembly guilty of murder, which must, from the nature of that offence, have been committed in pursuance of the common object, there was a legal necessity for them to have found the other members (the 7th and 8th prisoners) also guilty of murder.

3. Having done so, the Judges were not competent to pass a less sentence than transportation for life upon those two prisoners.

4. The Judgment of the High Court, therefore, as it stands is illegal.

Order—dated 18th February 1882, No. 208, Judicial.

The Right Honorable the Governor in Council is compelled to remark that the above letter is unbecoming in the highest degree, and Mr. Wallace has incurred the severe displeasure of Government by addressing it to them.

2. An atrocious murder was committed, and Mr. Wallace, presiding in the Court of Session of Cuddapah, found the accused guilty of rioting only, awarding a year's imprisonment as punishment. The High Court, on the case coming before them, convicted the two principal men of murder, and, in sentencing them to transportation for life, remarked that they refrained from passing the extreme penalty, because of the long delay which had occurred in the disposal of the case. On this, Mr. Wallace writes, with most unseemly assurance, to inform Government that if two of the men were guilty of murder, all the others were so also; that all ought to have been equally sentenced; and that the Judgment of the High Court, passing a minor sentence on some of the gang, was illegal.

3. This minor sentence, it is observed, was precisely the measure of punishment deemed appropriate by the Session Judge *for all the prisoners*; but when it is enlarged against some of the gang, he impugns the judgment which over-rules his

own,—a judgment which, he must be well aware, the Government have no means of contesting, and which, therefore, it would be unbecoming in them to criticise.

4. This is not the first occasion on which Mr. Wallace's conduct has been seriously condemned by Government.

G.O., 1st May 1877, No. 1112, J. D.

On the 1st May 1877, he, as a Sub-Collector, so grossly insulted the District Judge that he was removed to a lower grade.

G.O., 12th May 1877, No. 666, Public Department.

Some further disclosures of his conduct shortly coming before Government, he was told, on the 12th of the same month, that his next punishment would be "suspension from all employment."

G.O., 23rd May 1877, No. 1265, J. D.

Again, on the 23rd idem, Government expressed "grave doubts as to the propriety of entrusting him with magisterial powers."

It is understood, also, that last year he addressed a letter to the High Court in a tone so improper that he was directed to withdraw it.

5. Mr. Wallace will now be cautioned that his present position in the public service cannot be maintained, unless his future conduct, which will be narrowly watched, shows decided change and improvement.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To J. Wallace, Esq., District and Session Judge, Cuddapah.

Exd. F. R. Bantleman.

Govt. of 1882 Madras.

JUDICIAL.

Order, dated 18th February 1882, No. 208.

Appeals.—Passing orders on letter from Mr. J. Wallace, Session Judge, Cuddapah, submitting remarks on the Judgment of the High Court in the case of the Queen *versus* Bei Reddi, Venkata Reddi, and others.

Original

7th June 1882, No. 410, Judicial.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following letter from the Hon. Sir CHARLES A. TURNER, *Kt.*, C.I.E., Chief Justice, High Court of Judicature at Madras, to the Acting Chief Secretary to Government, dated Madras, 13th May 1882, No. 929:—

At the close of last year, the Puisne Judges of this Court addressed me through Mr. Justice Innes, and urged me to apply to the Government to increase the strength of the Court by the appointment of a fifth Puisne Judge.

2. The request of the Judges was accompanied by a copy of a paper* prepared by Mr. Justice Innes showing the relative work of the Judges of the several High Courts.

* Six spare copies enclosed.

3. While I am not prepared to allow that a very accurate result can be arrived at from such calculations, I admit that the results are approximate, and believe the labor of my honorable colleague will serve a useful purpose in correcting a misapprehension unintentionally created by a Minute of the Chief Justice of Calcutta as to the quantity of work performed by the Madras High Court.

4. Taking the work of the High Court, Original and Appellate, as disclosed by the administration reports, I am satisfied that in no Court is it more severe in proportion to the number of Judges than it is in this Court.

5. The accompanying statement No. 1, showing the number of institutions for the last ten years up to December 30th, 1881, exhibits a marked increase.

6. Although I was convinced that the request of the Puisne Judges could not reasonably be refused, and that the strength of the Court was insufficient to cope with the work, I was reluctant to address the Government so long as I could entertain the hope that the work might be overtaken, or had ascertained that the increase was normal and established.

7. Since the commencement of the year, the increase of civil work on the Appellate Side has been sustained, as will be seen from table No. 2. Table No. 3 exhibits the cases for disposal and the cases disposed of from the commencement of the vacation in 1881 to the commencement of the vacation in 1882. This table shows that the Court has been unable to overtake the work, and that the pending file has increased.

8. The file of pending cases does not, of course, represent only cases in arrear. The arrears are indicated by the number of cases shown in the enclosed table No. 4 as ready for hearing; and, in connection with that table, I may mention that of the cases in which judgment is reserved there are scarcely any in which there is not special ground for the delay.

9. It appears to me I should be no longer justified in refraining from bringing to the notice of the Government the views of the Puisne Judges. In supporting their recommendation for the appointment of an additional Judge, I am influenced not so much by increasing arrears, though that, of course, is not a consideration to be disregarded, as by the conviction that during the past two years more work has been demanded of the Judges than they can be fairly expected to perform. It is due to the strenuous efforts they have made to keep the file low that the arrears are not heavier.

10. I am aware that the confirmation of Mr. Justice Muttusawmi Aiyar was postponed till the effect of the recently enacted Small Cause Court Act in the work of this Court is known.

11. I venture to predict its effect will be inconsiderable. It leaves untouched the class of cases which, in my judgment, might well be disposed of by a less expensive forum,—suits on mortgages and for the partition of, or succession to, immoveable property, in which the questions which occupy time in decision are questions of fact rather than questions of law.

12. The fifth table exhibits the average amount of work disposed of by each Judge during the last ten years. It will be seen that in the last two years the average has considerably increased. I have, therefore, to request that you will submit the accompanying papers for the consideration and orders of the Right Honorable the Governor in Council, and express my hope that the Government may see fit to accede to the request of the Court, and, in the interests of the public as well as of the Court, enable us to discharge our duty with greater promptitude and with less severe labor.

ENCLOSURES.

I.—STATEMENT showing the Number of Cases instituted in the High Court of Madras in each of the years 1872 to 1881.

Nature of Cases.	In 1872.	In 1873.	In 1874.	In 1875.	In 1876.	In 1877.	In 1878.	In 1879.	In 1880.	In 1881.
CIVIL.										
Original Jurisdiction.										
1. Original Suits ...	767	881	817	541	457	561	586	526	518	507
2. Insolvency Cases...	126	195	174	139	140	103	177	155	153	138
3. References to Chambers	45	28	30	33	19	19	25	17	20	15
Total (Original Side).	938	1,104	1,021	713	616	683	788	698	691	660
Appellate Jurisdiction.										
4. Appeals from Original Suit Decrees.	28	47	29	33	32	24	27	18	42	36
5. Appeals from other Decrees ...	145	131	104	116	118	134	124	132	157	156
6. Second Appeals from Decrees ...	1,110	874	690	856	1,097	800	724	666	898	1,002
7. Appeals from Orders	147	112	127	127	122	130	83	115	199	204
8. Other Appeals under Letters Patent...	...	...	...	...	...	...	...	...	28	25
9. Appeals for revision	2	1	...	1	3	5	61	47	191	178
10. Matrimonial Cases.	1	3	...	3	...	2	2	3	4	1
11. References from S. C. Cts. ...	50	60	51	34	27	18	22	27	19	20
12. Other References...	2	...	...	4	2	1	1	4	5	3
Total (Appellate Side).	1,485	1,228	1,001	1,174	1,400	1,114	1,044	1,012	1,543	1,625
Grand Total (Civil) ...	2,423	2,332	2,022	1,887	2,016	1,797	1,832	1,710	2,234	2,285
CRIMINAL.										
Original Jurisdiction.										
13. Sessions Cases ...	45	58	47	83	80	71	101	68	28	69
Appellate Jurisdiction.										
14. Appeals	377	412	431	499	529	823	716	467	760	488
15. Referred Trials ...	74	71	60	70	80	99	88	70	89	77
16. Cases dealt with by the High Court as a Court of Revision	157	257	299	154	254	253	345	284	470	479
17. References under Special Laws ...	...	...	...	...	...	1	2	...	...	...
Total (Appellate Side).	608	740	790	723	863	1,176	1,151	821	1,319	1,044
Grand Total (Criminal).	653	798	837	806	943	1,247	1,252	889	1,347	1,113
Grand Total ...	3,076	3,130	2,859	2,693	2,959	3,044	3,084	2,599	3,581	3,398

(Signed) T. WEIR,
Registrar, Appellate Side.

II.—STATEMENT showing the Number of Cases instituted in the High Court of Madras during the first four months of each of the years 1877 to 1882.

Nature of Cases.	In 1877.	In 1878.	In 1879.	In 1880.	In 1881.	In 1882.
CIVIL.						
Appellate Jurisdiction.						
Appeals from Original Side Decrees	7	15	4	17	15	11
Appeals from other Decrees	56	40	52	57	74	57
Second Appeals from Decrees	330	332	278	395	413	502
Appeals from Orders	47	24	38	67	83	79
Other Appeals under Letters Patent	...	...	...	2	11	6
Applications for revision	...	28	14	103	86	118
Matrimonial Cases	...	1	1	1	...	1
References from Small Cause Courts	...	4	6	6	7	7
Other references	..	...	1	2	...	2
Total ...	440	444	394	650	689	783
CRIMINAL.						
Appellate Jurisdiction.						
Appeals	326	232	207	168	196	134
Referred Trials	26	27	28	25	26	21
Cases dealt with by the High Court as a Court of Revision	21	34	128	135	136	217
References under Special Laws	...	...	1	...	1	1
Total ...	373	293	364	328	359	373
Grand Total ...	813	737	758	978	1,048	1,156

(Signed) T. WEIR,
Registrar, Appellate Side.

III.—STATEMENT showing the Number of Cases for disposal and disposed of from the commencement of the Vacation in 1881 to the commencement of the Vacation in 1882.

—	Appeals.	Second Appeals.	Civil Miscellaneous Appeals and Petitions.	Criminal Appeals and Petitions.	Original Side Appeals.	Original Side Petitions.	Small Cause References.	Letters Patent Appeals.	Matrimonial Cases.
Pending on 1st May 1881...	129	573	320	85	22	4	8	4	1
Received between 1st May 1881 and 8th May 1882...	148	1,131	963	836	32	31	20	21	5
Total ...	277	1,704	1,283	921	54	35	28	25	6
Disposed of between the dates aforesaid	145	998	858	806	42	30	20	15	4
Disposed of on 9th May 1882	5	3	...	20	...	...	...	...	...
Pending on the evening of 9th May 1882	127	703	425	95	12	5	8	10	2

(Signed) T. WEIR,
Registrar, Appellate Side.

IV.—Statement showing the different Stages of Cases pending on the 10th May 1882.

—	Appeals.	Second Appeals.	Civil Miscellaneous Appeals and Petitions.	Original Side Appeals.	Original Side Petitions.	Small Cause References.	Letters Patent Appeals.	Matrimonial Cases.	Criminal Appeals.	Criminal Revision Cases.	Criminal Miscellaneous Petitions.
Cases pending on the evening of 10th May 1882 ...	128	708	427	12	4	8	10	2	45	37	5
Particulars of Cases pending.											
Judgments reserved ...	2	19	5	1	...	...	...	...	6	5	1
Issues sent to Lower Courts or records called for ...	10	84	7	...	...	...	...	2	11	18	1
Postponed by order of Court	3	8	13	...	...	...	...	...	1	1	...
Not posted on account of death of parties... ..	6	30	19	...	...	...	...	...	...	...	...
Ready to be posted ...	22	197	113	5	...	4	...	...	4	5	...
Under translation... ...	43	56	36	...	...	...	...	...	18	2	...
In the Press	2	24	7	...	...	...	...	...	...	..	...
Notices not returned, &c ..	35	260	174	5	...	4	...	...	...	..	2
Pending admission ...	5	30	53	1	4	...	10	...	5	6	1

(Signed) T. WEIR,
Registrar, Appellate Side.

V.—Statement showing the Number of Cases disposed of by the High Court of Madras in each of the Years 1872 to 1881.

Nature of Cases.	In 1872 five Judges.	In 1873 $4\frac{7}{20}$ Judges.	In 1874 $4\frac{4}{5}$ Judges.	In 1875 $3\frac{9}{10}$ Judges.	In 1876 $4\frac{9}{10}$ Judges.	In 1877 $4\frac{1}{20}$ Judges.	In 1878 $4\frac{3}{10}$ Judges.	In 1879 $4\frac{7}{10}$ Judges.	In 1880 five Judges.	In 1881 five Judges.
Civil.										
Original Jurisdiction.										
1. Original Suits ...	782	725	803	507	434	681	537	766	659	537
2. Insolvency Cases ...	125	151	180	152	144	144	140	125	143	163
3. References to Chambers	70	28	30	35	27	18	15	27	18	17
Total (Original Side)...	977	904	1,013	694	605	843	692	918	820	717
Appellate Jurisdiction.										
4. Appeals from Original Suit Decrees..	24	40	34	24	26	21	25	17	29	42
5. Appeals from other Decrees	201	123	124	100	120	139	90	107	151	116
6. Second Appeals from Decrees	889	752	904	620	1,013	709	663	632	793	770
7. Appeals from orders.	164	107	114	133	141	118	76	95	173	192
8. Other Appeals under Letters Patent ...	...	...	...	...	...	...	...	...	25	20
9. Applications for Revision	2	1	...	1	2	4	51	38	174	151
10. Matrimonial Cases...	1	2	1	1	2	...	2	2	1	6
11. References from Small Cause Courts	44	56	55	39	29	17	23	22	16	26
12. Other References ...	1	1	...	4	1	2	1	4	2	4
Total (Appellate Side)...	1,326	1,082	1,232	922	1,334	1,010	931	917	1,364	1,327
Grand Total (Civil)...	2,303	1,986	2,245	1,616	1,939	1,853	1,623	1,835	2,184	2,044

Nature of Cases.	In 1872 five Judges.	In 1873 $4\frac{7}{20}$ Judges.	In 1874 $4\frac{4}{5}$ Judges.	In 1875 $3\frac{9}{10}$ Judges.	In 1876 $4\frac{9}{10}$ Judges.	In 1877 $4\frac{1}{20}$ Judges.	In 1878 $4\frac{3}{10}$ Judges.	In 1879 $4\frac{7}{10}$ Judges.	In 1880 five Judges.	In 1881 five Judges.
Criminal.										
Original Jurisdiction.										
13. Sessions Cases ...	45	58	47	83	80	71	101	68	27	69
Appellate Jurisdiction.										
14. Appeals	386	412	431	501	536	826	673	489	718	537
15. Referred Trials ...	72	75	62	67	85	95	85	74	83	82
16. Cases dealt with by the High Court as a Court of Revision.	148	267	299	152	250	251	285	354	606	897
17. References under Special Laws ...	...	...	...	...	...	...	1	2	...	...
Total (Appellate Side)...	606	754	792	720	871	1,172	1,044	919	1,407	1,516
Grand Total (Criminal).	651	812	839	803	951	1,243	1,145	987	1,434	1,585
Grand Total...	2,954	2,798	3,084	2,419	2,890	3,096	2,768	2,822	3,618	3,629
Work per Judge...	590	643	643	620	590	764	644	600	724	726

(Signed) T. WEIR,
Registrar, Appellate Side.

Order—dated 7th June 1882, No. 410, Judicial.

Ordered that the following Despatch be forwarded to the Secretary of State through the Government of India.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

Exd. F. R. Bantleman.

Govt. of |1882| Madras.

JUDICIAL.

Order, *7th June* 1882, *No.* 410.

High Court.—Despatch to be forwarded to the Secretary of State relative to the appointment of a fifth Puisne Judge to the Local High Court.

Original

7th June 1882, Despatch No. 7B, Judicial.

CONFIDENTIAL.

JUDICIAL DEPARTMENT.

Letter—to

The Most Honorable the SECRETARY of STATE for INDIA.

My Lord Marquis,

We have the honor to submit, for your Lordship's favorable consideration, a letter from the Honorable the Chief Justice regarding the necessity of strengthening the Bench of the High Court by the appointment of a *fifth* Puisne Judge.

2. Although the Letters Patent of 1865, continuing the High Court as established by Charter, provided for a tribunal of six (a Chief and five Puisne Justices), it was found feasible to carry on the work with five Judges,—an arrangement which was maintained down to January 1877, when the vacancy caused by the retirement of Mr. Justice Holloway, C.S.I., was left unsupplied. But the attempt to overtake the business of the Court with a Bench of four Members only soon proved impracticable. Representations were made, and your Lordship's predecessor, Lord Cranbrook, in a Despatch,* dated 27th June 1878, intimated his sanction to the appointment of a fourth Puisne Judge, as a "temporary measure," subject to report after a year's experience. The temporary nature of the appointment was in accordance with our request, as we believed that a project then before the Governor-General in Council in regard to the extension of the jurisdiction of the Presidency Small Cause Court, and the creation of a new Court for Original Civil work, devolving on the High Court, would afford such a measure of relief as to warrant a reduction in the number of the Judges.

These expectations, however, not being realised, and it being clear that the very limited alteration of the jurisdiction of the Small Cause Court contemplated by the Bill, as approved by the Government of India, would fail to confer any substantial relief, we reported that we must pronounce in favor of the permanent retention of a fourth Puisne Judge, recommending that Mr. Muttuswami Aiyar, the temporary holder of the office, should be confirmed by Her Majesty in that post. This recommendation, we doubt not, would have received your Lordship's approval, but for the suggestion of the Government of India that the new Presidency Small Cause Court Act, which was then (1881) about to be passed into law, would withdraw numerous suits from the cogni-

Judicial Despatch, No. 28, dated 8th October 1880.

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* Judicial, No. 6.

zance of the High Court. Your Lordship accordingly thought* it expedient, pending further experience, to continue the office "on a temporary footing." The Act referred to did not become law till March last, and is not to come into operation before July next. The changes which it effects fall very far short of what this Government wished, and we entirely concur with Sir Charles Turner in predicting that its influence in the direction desired will be practically *nil*. Meanwhile, the business of the High Court has been steadily augmented, and in a manner which gives no prospect of material decrease in the future. The burden which falls upon the Judges individually is set forth in the memorandum prepared by Mr. Justice Innes and appended to Sir Charles Turner's letter. We are quite in accord with the Chief Justice in regarding the present state of the Court as injurious to the interests of justice.

3. In these circumstances, we trust your Lordship will approve the appointment of a *fifth* Puisne Judge *temporarily;* we do not at present ask that the appointment shall be more than experimental.

4. In conclusion, we desire again to press most strongly for the confirmation of Mr. Muttuswami Aiyar, who has now officiated as a temporary Judge *for four years continuously*,—a case which we believe to be without a precedent.

We have the honor to be,
My Lord Marquis,
Your Lordship's most obedient, humble servant,

(Signed) M. E. GRANT DUFF,
(„) FRED. ROBERTS,
(„) ~~W. HUDLESTON~~,
(„) DAVID F. CARMICHAEL,

OOTACAMUND,
7th June 1882.

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* Judicial Despatch, No. 1, dated 24th March 1881.

Exd. F. R. Bantlemas

FORT SAINT GEORGE.

JUDICIAL (1882) DEPARTMENT.

LETTER to the Most Honorable the Secretary of State for India.

Dated 7th June,

No. 7B **of 1882.**

7B

Forwarding, for favorable consideration, a letter from the Honorable the Chief Justice, Madras, relative to the appointment of a fifth Puisne Judge.

Original

7TH JUNE 1882, NO. 411, JUDICIAL.

CONFIDENTIAL.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to forward, for transmission to the Secretary of State, the accompanying Despatch regarding the appointment of a fifth Puisne Judge (temporarily) to the Bench of the High Court of Madras.

2. In soliciting the support of the Governor-General in Council to the application for the reasons set forth in the Despatch, I am to request that it may be forwarded as early as practicable, in view to giving an opportunity to the Secretary of State, should he wish, of conferring with Sir Charles Turner, who will be in England till about three months hence.

3. In the mean time, a copy of the Despatch has been sent to the India Office, direct.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) C. G. MASTER,
Ag. Chief Secretary.

OOTACAMUND,
7th June 1882.

Exd F. R. Bantleman.