Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

[J / 53]
1,000—28-7-96.

Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 2509-2510.

DATED 3rd Dec. 1895.

INDEXED.

[Despatch Abstract.]

ADDITIONAL SUBORDINATE JUDGE AT TINNEVELLY.

Directing that the Government of India be requested to obtain the sanction of the Secretary of State to the appointment of an-- for a period of one year from 1st March 1896.

PRINTED IN G.O., dated

4 July 1896, No. 1115-16

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	524 3259		1896 1896				

CURRENT NO. 5061

2208 30.1.93 Rie
2307 D 14.12.92
1910 D 10.10.92
1847/48 D 30.9.92
211 D 15.10.91
1463 D 3.5.90

Judicial { 1895 } Department.

No.

M

Ag.

The Registrar of the High Court
of Judicature, Appellate Side,
Madras.

CHIEF SECRETARY * GOVERNMENT OF MADRAS * 29. OCT. 1895

Dated 28th October } 1895.
Received 29

No. 3039.
Enclosures three.

Requesting the appointment of an extra temporary Subordinate Judge to Tinnevelly for one year. per 1/3/96

Rey
for R.C. (1) sanctioning a temporary establishment for Delhi
para (2) transfer of Bellary
Salem and Cuddapah Courts to Chittoor
DR
31/10/95

Memorandum of papers received and recorded in the Judicial Department.

Every letter, whether printed or in manuscript, should be docketed and abstracted on the back ; * * * * and the abstract should state clearly the purport of the letter and not merely its title subject. * * * * * *

Enclosures and statements also, whether sent with letters, or merely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes. (G. O. 8th April 1893, No. 289, Public.)

500—13-7-95.

Enclosure No. II *; to letter from the*
High Court of Judicature, Appellate Side, Madras,
dated 28 October 1895, *No.* 3039 :

Copy of letter from the District and Sessions Judge of Tirunelly reporting that the need of assistance is very much felt.

Pub
2
5061

300—8-4-95.

No. 407.

Tinnevelly District Court,
2nd September 1895.

From

Bannatyne Macleod Esquire, B.A.,
Barrister-at-Law.
Ag. District Judge, Tinnevelly.

To

The Registrar of the
High Court of Judicature,
Appellate Side,
Madras.

Sir,

I have the honor to submit, for the consideration of the High Court, whether some relief is not at present required to this and the Subordinate Court in the disposal of Civil business.

2. On 1st January 1893, the Subordinate Judges[x] had 75 original suits pending of which 11 were pending more than one year in the permanent Subordinate Court. (The additional Subordinate Court established temporarily in November 1892 ceased to work in April 1893).

[x] Permanent Sub. Judge - 48.
Addl. Do .. 27.

3. On 1st January 1894, the Subordinate Judge had 60 original suits pending of which two were more than one year.

4. On 1st January 1895, he had 65 original.

original suits pending of which 6 were more than one year.

5. On this day (2nd September 1895) he has 73 original suits pending of which 28 are more than one year. The Subordinate Judge, S. Gopala Chari, is a very able and conscientious officer and these arrears are not due to any negligence on his part.

6. The small cause file of the Tinnevelly Subordinate Court appears to be the heaviest in the Presidency, next to Kumbhakonam and Tellicherry. (See High Court Administration report for 1892, page LIX, and 1893, page LVII).

7. In the District Court, there are on this day 13 ordinary suits pending of which 4 are pending for more than one year, 1 is pending for more than two years and 1 pending for more than three years.

8. 7 of the suits are of a heavy nature, being suits between rival Vaishnava sects or suits for dismissal of committees or trustees of Hindu temples. In each of these suits a very large number of witnesses have to be examined. In one suit I have examined for Plaintiffs 31 witnesses and the defendants have summoned a still larger number of witnesses.

9. As for civil appeals in the District and Subordinate Courts:—

On 1st January 1893, 351 appeals were pending. On 1st January 1894, 357 appeals were pending. On 1st January 1895, 365 appeals were pending. On this day, 432 appeals are pending. In this manner there are no batches of connected cases (except only one batch of 13 appeals).

10. What appears to me the chief causes for the increase of arrears in appeals are the following:—

In 1893, out of 118 days available for civil work, a big Zemindary suit occupied the Judge 39 days. In 1894, the Session occupied a great portion of the year and there were only 52 days available for civil work. The apparent large disposals in 1894 are due to the disposal of some batches of rent appeals. 38 Civil appeals which were heard by my predecessor in 1894 and in which he intended to write the judgments during the Christmas holidays.

× including a batch of 18 appeals.

holidays had to lee reheard and disposed of by me during the current year because my predecessor was transferred just before the Christmas holidays. The Sessions work in this year has been abnormally heavy. The number of cases committed up to date is 95 and the number of witnesses examined is 658 (by both Sessions Judge and Assistant Sessions Judge). The figures for the corresponding period for 1894 are 82 cases and 400 witnesses; and for 1893, 66 cases and 445 witnesses.

Reg Sess: Judge-431
By Asstt. Sess: Do. 228

11. In spite of the heavy Sessions work I have been devoting all available time to the disposal of civil business, attending Court for the purpose in the morning and hearing civil cases till 10 o' clock.

12. I have already adverted in my letter of the 21st ultimo, No. 344, to Sessions Case No. 41 of 1895, known as the Kalugumalai rioting case, in which a number of persons were killed and houses burnt and properties destroyed. I have yet 5 cases to try arising out of that riot.

13. Considering the large number and heavy nature of the cases committed recently to this Court for trial, I was reluctantly obliged to transfer so many as 28 Sessions cases to the Assistant Sessions Judge (Subordinate Judge) for trial.

14. No doubt this has tended to the increase of arrears in the Subordinate Court and may cause further increase.

15. The chronic condition of heavy and old arrears of civil business in the Inferior Courts of this District has often been brought to the notice of the High Court by my predecessors which twice led the Government, on the recommendation of the High Court, to sanction the temporary establishment of a second or Additional Subordinate Court in 1891 and in 1892.

Do d 15-10-96. Ans 2nd — 10-10-92, Ans 1910

16. I submit that the reason for relief at present seems to me to be as strong as it was on the two former occasions, if not stronger.

17. I therefore request that the High Court will be pleased to recommend to Government to transfer temporarily

to

to Tinnevelly the Subordinate Court of Bellary and Salem as soon as its term of work in Coimbatore expires or the temporary Subordinate Court of Nellore when it is no longer required there.

18. In the meantime the Subordinate Judge may have some relief on the Small Cause side if the District Munsifs are invested with enhanced jurisdiction to try suits on the small Cause side up to Rs. 200. At present the District Munsifs of Tuticorin and Srivilliputtur alone are invested with enhanced powers, the former up to Rs. 100 and the latter up to Rs. 200.

19. The District Munsifs of Ambasamudram and Satur whose files are not heavy, may be so invested and I request that the High Court will be pleased to move the Government in this matter

matter also.

I have, &c,
(Signed) Bannatyne Macleod.
Ag. District Judge.

(True Copy.)

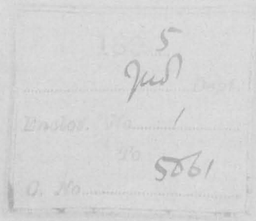
High Court of Judicature,
Appellate Side,
Madras, 28th October 1895.

Dy. Registrar.

Ag. Registrar.

Enclosure No. I *; to letter from the*
High Court of Judicature, Appellate Side, Madras,
dated 28 October 1895, *No.* 3039 .

Statement showing the state of the files of the District and Sessions Court and the Subordinate Court of Tinnevelly, at the end of the 2nd quarter 1895.



300—8-4-95.

Statement showing the number of cases pending before the District and Sessions Court and the Subordinate Judge's Court, Tinnevelly, at the end of the 2nd quarter, 1895.

	Suits.		Appeals.		Petitions.			Sessions cases.	Criminal appeals.	Revision cases.	
	Original	Small Cause	Regular	Mis:	Execution	Mis:	Insolvency				
District and Sessions Court.	(a) 14	"	(c) 281	8	4	62	"	6	15	3	
Subordinate Judge's Court.	(b) 70	217	(d) 49	"	270	42	6	"	-	-	

(a) 6 pending for more than a year.
(b) 17 " " "
(c) 229 " " 3 months.
(d) 30 " " "

Acting Registrar,
Appellate Side.

Urgent.

CURRENT NO. 5061

No. 3039.

High Court of Judicature,

MADRAS, 28th October 1895.

From

D. W. G. COWIE, Esquire,

Acting Registrar of the High Court

of Judicature, Appellate Side, MADRAS.

To The Honorable Mr. J. F. PRICE, C. S. I.,

Chief Secretary to Government,

Fort Saint George.

Honorable Sir,

I am directed to forward the enclosed statement which shows the state of the files of the District and Sessions Court and the Subordinate Court of Tinnevelly on June 30th last and to inform you that the District Judge has reported in his letter No. 407, dated 2nd ultimo/copy of which is herewith forwarded/ that the need of assistance is very much felt by both Courts.

2. I am to remind you that in 1891 and 1892, it was found necessary to temporarily appoint an extra Subordinate Judge for Tinnevelly, the measure being suggested in High Court letters No. 2451, dated 9th October 1891 and No. 2548, dated 22nd September 1892, and approved of in G. O., No. 2111, Judicial, dated 15th October 1891, and G. O., No. 1847, Judicial, dated 30th September 1892. In the margin, the state of the files of the Tinnevelly Courts on each of those occasions is compared with their present state. The accumulation of arrears is ascribed by the District Judge to the fact that in 1894 and the present year the criminal work has been

	NUMBER PENDING.	
	Ordinary Suits.	Appeals.
On 1st July 1891 .	113	519.
Do. 1892 .	108	588.
On 1st Sep. 1895 .	86	482.

excessively heavy and he shows that it is likely to continu to be so. Since the vacation, the greater part of the time o the present Subordinate Judge has been taken up in trying criminal cases referred to him as Assistant Sessions Judge, while the Sessions Judge's time has also been fully occupie with criminal work. In this connection I am directed to represent to Government that Tinnevelly is a District in which it is important to appoint as District and Sessions Judge an officer who has had some previous judicial experience.

3. The High Court, after carefully considering the circumstances and statistics, is of opinion that a considerable measure of assistance is really needed and that this will be best afforded by the appointment of a temporary Subordinate Judge for the period of one year. No Subordinate Judge on the permanent establishment could be spared for the duty. I am therefore to request that His Excellency the Governor in Council may be pleased to appoint an extra temporary Subordinate Judge to Tinnevelly for one year. I am also to request sanction for the ministerial establishment for which a proposition statement is herewith forwarded.

I have the honor to be,

Honorable Sir,

Your most obedient servant,

D W E Comie

Acting Registrar.

T.M.V.R.

E D V

[G / 25]
30—23-7-95,

Jud. Department.

C. No. 5067 of 95

FOR ORDERS.

See a letter of 2. Sept. 95, No 407, from the D. Judge of Tinnevelly brought to the notice of the High Court the congested state of the files of the D. & the Sub Courts of Tinnevelly and represented that some assistance was necessary to overtake the arrears that had accumulated. He therefore suggested—

(i) That either the Bellary-Salem Sub Court now sitting at Coimbatore or the temporary Sub. Judge recently sanctioned* for Bellary be transferred to Tinnevelly on completion of their present work; and

(ii) That in the meantime

P.T.

* G.O. dd 14. June 95, No 1271

FOR ORDERS.

being the D. Munsif of Tu-
ticorin, Anthasamudram
and Sakes he is invested with
enhanced Small Cause
powers (to try S.C. suits upto Rs 200)
so as to afford
some relief to the Sub Judge
on the Small Cause side.

2. The High Court agrees with
Mr Macleod in thinking that
a considerable measure of
assistance is really needed
but differs from him as to
the mode in which such
assistance should be rendered.
It considers that no subor-
dinate Judge on the perma-
nent establishment can
be spared for Tirunelly
and recommends therefore
that an extra temporary
Sub Judge may be sanctioned
for that District for a period
of one year. It submits
also a prospective state-
ment for the ministerial
establishment required
for the new sub Court and

2.

expresses the opinion that
"Tirunelly is a District in which
"it is important to appoint to
"appoint as District & Sessions
"Judge an Officer who has had
"some previous judicial experi-
"ence".

3. Similar applications for
relief were received by Govt.
on two previous occasions.
In 1891, on the representations of
the High Court, the itinerant Sub
Court of Bellary-Salem was
transferred to Tirunelly (for 5 months)
to afford relief to the D. Judge
In 1893 an extra temporary
Sub Judge was sanctioned
for 6 months for a like purpose.

4. The statement furnished by
the High Court shows that at
the end of the 2nd quarter of 1895
the following cases were
pending on the files of the D. &
the Sub Courts of Tirunelly, viz.
14 & 70 original suits of which
6 in the former & 17 in the latter
had been on the file for more
than a year; 281 & 49 regular
appeals of which 229 in the
former & 30 in the latter had

× vide G.O dt 15. ult. 91. Rev xiii.

× Rev G.O dt 30-1-93, No 120

pending for more than 3 months; & 217 small cause & 270 execution petitions cases on the file of the Sub court and 6 sessions cases & 15 criminal appeals on the file of the D.J. Court. It therefore appears necessary that an additional Sub. Judge should be ~~appointed~~ posted to Tinnevelly to corroborate in order to clear off the arrears which has accumulated.

5 It is not clear however whether, in order to attain this end, it is necessary to go up to the Govt. of State for an extra temporary Sub. Judge. The itinerant Sub Court of Bellary - Salem has been ordered* to be held at Coimbatore only for 6 months & the period of its visits in that District will, under the existing arrangements, terminate on the 31st December 1895. It is not known what the High Court intends to do with this Sub. Court after that date. The High Court may be

* Vide G.O of 20th April 95. No 515.

I should ask this, at the same time informing the H.C. that Mr. Ross is to go to Tinnevelly (unless, that by his appt. has already been gazetted, which I forget)

× G.O of 14th June 95. No 1271

3.

asked about this before taking any further action on the present communication. As matters now stand there seems to be no reason why this Sub Court should not be sent to Tinnevelly on completion of its present work. A temporary Sub Judge has recently been sanctioned for Bellary for 6 months and the G. of I. may probably object to recommending the appointment of another Sub Judge just at so soon.

6. The High Court's remarks about the appointment of an Officer of previous judicial experience as D.J. & Sessions Judge of Tinnevelly will be brought to the notice of the Public Dept. The High Court probably regards the appointment of Mr Bracken as a Barrister-at-law. but × seems to have had no previous judicial experience in India. He was appointed as Sessions Judge of Tinnevelly in Dec. 1894.

~~He was transferred to Madura & Mr Ross is to be~~ ~~his successor in Tinnevelly. Mr Ross~~

P.T.

× Mr. Ross has been appointed and will probably rapidly pull down the arrears.

× see page 83 of the History of Services of Gazetted Officers.

~~from Lord Jurisdiction Judicial Separation~~

7. The proposition stated subject by the High Court does not call for consideration at present.

8. Mr Macleod's suggestion (iii) respecting in para 4 supra seems to be deserving of consideration, as the High Court has not noticed that point, it need not perhaps be considered by Govt.

LP 12/11/95

Regrets
7/11/95.

* remarks in the Note that as there is already an addl. Sub Ct at Bellary, it is likely that the application, it must be remembered that the fact that this application is made will strengthen our hands in regard to the proposal for the creation of addl. Sub Courts recommended from the D. Cts.

W 29 Nov

JG 20/11/95

WM 20/11/95

Temporary Sub Judge
Tirunelly

Secretariat
WP
H. Jr. 14/11/95

(For orders).

Resolved to H. Jr. for orders. Re C. No 5397 which has just been received the High Court suggests that the Assistant Sub Court of Bellary, Salem should be retained at Coimbatore until 31. March 1896. The proposed reference to the High Court is therefore unnecessary.

Orders are solicited as to the course which shd. now be adopted

WP 16/11/95

LP 18/11/95

I should prefer to adopt instruction suggested by the H.C. — with ref. to the *

[illegible] 19/11
[illegible] 19/11
R 15/11

[illegible] 11/15=168 417

* For approval

[illegible]

[illegible]

[illegible]

grade (salary Rs 500 p. m.) for a period of one year from 1. March '96 to assist in reducing the

(3) 2. ~~The Court is reluctant to make this application at the present time.~~ Court the High Court, after a careful consideration of the question, has ~~strongly~~ represented that the state of the files of the D.J. & the Sub Courts of Tinnevelly ~~is such as to~~ renders a considerable measure of assistance absolutely essential. From information which has been furnished it appears that, at the end of the second quarter of 1895. ~~the following cases~~ there were pending ~~more than a year on the files of~~ the D.J. & the Sub Courts of Tinnevelly 314 respectively 14 & 70 original suits of which 6 in the former Court & 17 in the latter had been awaiting trial ~~on the file~~ for more than a year; 281 & 49 regular

* To approve

arrears in the District & Sub Courts of Tinnevelly in the Presidency.

The request is preferred with reluctance,

in such strong terms

That H.E. in Council feels unable to decline to move in the matter

This class of work is constantly very heavy in this District, and in 1891 & 1892 special assistance had for similar reasons to be rendered to the District & Sub Courts

[G. 24.]
500—23-7-95.

DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated , from

" " " 189 , " , "

" " " 189 , " , "

ORDER.

3 8

respectively
civil appeals of which 229 in the former & 30 in the latter Court had been pending for more than 3 months in the sub-Court; and 217 small cause suits & 270 criminal petitions ~~on the file of the Sub Court~~ and in the District Court 6 sessions cases & 15 criminal appeals ~~on the file of the D.J.~~ Court. This accumulation of arrears is reported to be due mainly to the heavy criminal work which the D.J. Judge & the Subordinate Judge (in his capacity of Asst Sessions Judge) have ~~failed~~ often to perform had to do during the current year.)

3. The High Court considers that it will be impossible to overtake the arrears and ~~the~~ extra work without assistance

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and reports that an Sub-
ordinate Judge on the perma-
nent establishment can
be spared for the purpose
That an additional Subordi-
nate Judge ought be esta-
blished at Tinnevelly for a
period of three years. The esta-
blishment of such a court
appears to H. E. in C. the
necessary and I am therefore
directed to request that the
Govt. of India will move
the Secy. of State to intimate
his sanction to the appoint-
ment of a subordinate Judge

Temporary Sub. Judge
Tinnevelly

(From orders)

H. E. in Council is accordingly
of opinion that it is essential
that an additional sub-
Judge should be appointed, and I am
to request that the Govt. of India
will move the Secretary of State to
accord sanction (which in view of
the urgency of the matter may be com-
municated by wire) to the proposal
made in para 1. of this letter

H. E. 30/11/95 (F. O.)

given for copying
copied
examined
signed
} 189.

GAIN G.O., No. DATED
189 ,

No.

URES TO C. No.

OF GOVERNMENT	A	A	A	A	A	A	A
A OF GOVERNMENT.							
TMENT WITH DITTO.							
PERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

N.B.—
A = Copy in full.
B = Not to be copied
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Q = Copy heading only