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Government of Tamil Nadu

Judicial Department

Copy - 83

dated - 23-1-1872

H. Cm.

23rd January 1872.

No. 72. Read the following letter from the Commissioner of the Neilgherry Hills, to the Chief Secretary to Government, Fort St. George, dated Ootacamund, 20th December 1871, No. 98:—

I have the honour to forward a letter, No. 165, dated 7th instant, from the Cantonment Joint Magistrate at Wellington, requesting re-consideration of the G. O. No. 10, of 4th January 1870, in so far as regards the reduction of a Clerk in his Office.

2. When I submitted my letter, No. 61, of the 8th December 1869, on the subject of reduction of establishment, I compared the current work of the Wellington Cantonment Joint Magistrate with that of the Joint Magistrate of Ootacamund, and finding the number of cases tried by the former about half the number tried by the latter, I thought the former could spare a Clerk.

3. The Joint Magistrate now points out that the comparison should have been made with the work done in the Offices of other Cantonment Magistrates, and he forwards a statement (A) of the number of cases tried in the last five years by the five Cantonment Magistrates of Cannanore, Trichinopoly, Bellary, St. Thomas' Mount, and Wellington.

4. The establishment of the Wellington Joint Magistrate, prior to the late reduction, stood as follows:—

	RS.
One Clerk	50
" "	35
" "	20
Three Peons, at Rupees 7 each	21
One Musaljee	6
Total ...	132

I recommended the reduction of the 35 Rupees Clerk and of one Peon.

5. I do not know the strength of the establishments of the four Cantonment Magistrates of Cannanore, Trichinopoly, Bellary, and St. Thomas' Mount, but I am informed that they are on the scale of that given in paragraph 4 ante.

6. It is evident from Statement A that the average number of cases tried by the Trichinopoly Cantonment Magistrate is less than the average number tried by the Wellington Cantonment Magistrate. Besides this, I believe the Municipalities in Cannanore, Trichinopoly, and Bellary have relieved the Cantonment Magistrates there of all conservancy work referred to in paragraph 8 of Major Richard's letter.

7. I cannot say that I think the number of cases disposed of by the Joint Magistrate of Wellington for the five years recorded in Statement A affords more work than two efficient Clerks can perform; but I do not know how much extra work the charge of the Cantonment Conservancy involves.

In 1869, 513 criminal cases were disposed of by the Joint Magistrate of Ootacamund who has only one Clerk on 40 Rupees, and an Attender (Dufterbund who acts at times as a kind of amanuensis) on 10 Rupees.

*Proceedings of the Madras Government, Judicial Department,
23rd January 1872.*

I have not heard that the Clerk complained of overwork.

8. It is but right to say, with reference to the last paragraph of the Joint Magistrate's letter, that Officers on the Hills find great difficulty in procuring and retaining efficient Clerks. Natives will often throw up appointments here for worse paid situations on the plains.

Since the establishment of the Commission in August 1868, eighty per cent. of my Clerks have left for one reason or another.

From Major C. J. RICHARDS, Joint Magistrate of Wellington, to the Commissioner of the Neilgherry Hills, dated Wellington, 7th December 1871, No. 163.

I have the honour to request you will again reconsider your letter, No. 61, of 8th December 1869, to the Chief Secretary, and hope you will urge Government to cancel their Order thereon, and permit my establishment to be the same as other Cantonment Magistrates.

2. As your basis for the reduction of my establishment, you compared my Court with that of the Joint Magistrate of Ootacamund, whereas it is the Court of a Cantonment Magistrate for which a specific establishment applicable to all such has been sanctioned, and never reduced except in this instance.

3. I grant that in comparing in paragraph 3 of your letter the work of the two Courts for the year 1869, you proved a Clerk might then be done away with, but you made no provision that crime should not increase, or reduce the former average.

4. You have taken for a comparison the number of cases tried by the two Courts on the eleven months ending 30th November 1869. I, therefore, take the same period of the present year during which I have tried 451 criminal, and 54 civil cases.

5. But I will not simply confine myself to this year, as in 1866 the number of cases were 445; in 1867, 404; in 1868, 317; therefore the year 1869 in which the number of cases were 244, and on which you based your proposed reduction, was evidently an exceptional year.

6. I enclose a tabular statement of all the cases before Cantonment Magistrates for the last five years, which shows that my criminal cases not including the present year are of higher average than either Trichinopoly or Cannanore.

On the other hand, the civil suits before me are nothing in comparison to other Cantonment Magistrates, but the suits under our jurisdiction are so simple that they give little or no work, no calendars, summaries, &c., &c.

7. I also send you a list of books, documents, &c., having to be kept in my Court that the Ootacamund Magistrate has nothing to do with; it is true he has the jail to look after, but a separate establishment for it.

8. Moreover I have to look after all the Cantonment personally, and as its finances will not permit of a Clerk being kept, all the work has to be done by my Clerks, who consider if the number of Clerks is reduced they ought to get higher pay instead of having extra, i. e., Cantonment work thrown on them.

9. Major Hankin is permitted to take down evidence in his own hand, I am not, neither am I able, and in consequence when cases triable under Chapter XIV., Code of Criminal Procedure, are before me, all the other work of the office comes to a stand-still, both Clerks being required—one to translate for me, the other to write the evidence in the native language.

10. Moreover this unlike most other Courts is totally detached, therefore if my Clerks are sick I can get no temporary aid, and in consequence my Court has been twice closed during the current year.

*Proceedings of the Madras Government, Judicial Department,
23rd January 1872.*

A.

List showing the number of Cases in Cantonment Magistrates' Offices.

Name of Cantonment.	1866.	1867.	1868.	1869.	1870.	
Cannanore {Civil ...	688	502	193	349	288	2,020
... .. {Criminal ...	318	271	267	239	272	1,417
Trichinopoly {Civil ...	135	209	133	143	120	750
... .. {Criminal ...	280	143	107	131	149	810
Bellary {Civil ...	518	500	240	244	410	1,912
... .. {Criminal ...	229	337	471	556	514	2,107
St. Thomas' Mount {Civil ...	...	581	377	379	386	1,723
... .. {Criminal ...	202	288	241	459	413	1,603
Wellington {Civil ...	34	19	19	26	19	117
... .. {Criminal ...	411	385	298	218	187	1,499

WELLINGTON,
7th December 1871.

(Signed) CHARLES J. RICHARDS, Major,
Cantonment Magistrate.

No. 73. ORDER THEREON, 23rd January 1872, No. 83.

On consideration of the papers above recorded, the Government see no sufficient grounds for giving the Cantonment Joint Magistrate at Wellington a third Clerk.

2. The Government observe from the return showing the number of cases disposed of by the Cantonment Magistrates at stations other than Wellington, that

the aggregate number of cases,* civil and criminal, disposed of at Trichinopoly during the five years ending 1870, were less than those† disposed of at Wellington.

Assuming these figures to be correct they resolve to direct that, from the beginning of the ensuing official year, the services of the second Clerk on the establishment of the Cantonment Magistrate at Trichinopoly be dispensed with, and the establishment be placed on the same footing as that at Wellington.

(True Extract.)

Chief Secretary.

To the Commissioner of the Neilgherry Hills.
.. Cantonment Magistrate of Trichinopoly.
.. Magistrate of Trichinopoly.
.. Accountant-General.

Exd. J. Wright.

Oct. 31
 Ind^d Commisarius forst
 20th December 1871.

Open,

J. W. Brooks Esquire
Judl. Commissioner of the
Highways



The Honorable W. L. Ellis C. B.
Chief Secretary to Government
Fort Saint George
Madras.

I have the honor to forward a letter, No 165 dated 7th Feb^y from the Lieutenant Joint Magistrate at Wellington, requesting reconsideration of the G. O. No 10 of 4th Jan^y 1870 in so far as regards the reduction of a flock in his Office.

2 When I submitted my letter
No 61 of the 8th December 1869 on the
subject of reduction I told
I compared the current work of the
Wellington Landward Joint
Magistrate with that of the Joint
Magistrate of Otago and
finding the number of cases tried
by the former about half the number

15

5

1990

1993

CONFIDENTIAL

...

100-45874-100

55

C. O., 2007 January 18th, N.C. 27513

THE

[illegible]

tried by the latter, I thought the former
could spare a flock.

3. The Joint Magistrates have
pointed out that the comparison
should have been made with the
work done in the offices of other
Municipal Magistrates and he has
forwarded a statement (A) of the
number of cases tried in the last
five years by the five Municipal
Magistrates of Camanore, Trichinopoly,
Bellary, St. Thomas Mount and
Wellington.

4. The establishment of the
Wellington Joint Magistrate prior
to the late reduction, stood as follows:-

1 Clerk	50
1 — do —	35
1 — do —	20
3 Peons at Rs 7 —	21
1 Munsiff	6
	<u>Rs 132</u>

and recommended the reduction
of the work and of the Peons.

5. I do not know the strength
of the establishments of the four Muni-
cipal Magistrates of Camanore,
Trichinopoly, Bellary and St. Thomas
Mount, but I am informed that

they

they are on the scale of that given in
para 10 anti.

6. It is evident from Statement
A that the average number of cases
tried by the Trichinopoly Municipal
Magistrate is less than the average
number tried by the Wellington Municipal
Magistrate. Besides this
I believe, the Municipalities in
Camanore, Trichinopoly and Bellary
have relieved the Municipal Magis-
trates there, of all Conservancy work
referred to in para 8 of Major
Richard's letter.

7. I cannot say that I think the
number of cases disposed of by the Joint
Magistrate of Wellington for the 5 years
recorded in Statement A affords
more work than two efficient flocks
can perform, but I do not know
how much extra work the charge of
the Municipal Conservancy involves.

In 1869, 513 Criminal cases
were disposed of by a Municipal
Magistrate of Cochin who has only
one flock on 40 Rupees and an Assistant
(Duffield) who acts at times as a
kind of Amanuensis on 10 Rupees.

I have not heard that
the flock complained of our work.

8. It is but right to say with
reference

As your basis for the
reduction of my establishment,
you compared my Court with
that

that of the Joint Magistrate of
Cotacaimund, whereas it is the
Court of a Cantonment Magistrate
for which a specific Establishment
applicable to all such, has been
sanctioned, and never reduced
& kept in this instance.

3 I grant that in comparing
in para 8 of your letter the work
of the two Courts for the year
1867, you proved a Clerk might
have been done away with, but
you made no provision that
Crimes should not increase, or
increase its average.

4 You have taken for a
comparison the No. of cases tried
by the two Courts in the 12 months
ending 30th November 1867. I
therefore take the same period

6 4
of the present Year during
which I have tried 451 Criminal
and 54 Civil cases.

5 But I will not simply
confine myself to this year—
as in 1866 the No. of cases were
445. in 1867 404 in 1868. 317. —
therefore the year 1869 in which
the No. of cases were 264, and
on which you based your
proposed reduction was evidently
an exceptional year—

6 I enclose a tabular state-
ment of all the cases before
Cantonment Magistrate for the
last five years, which shows
that my Criminal cases not
including the present Year are
of higher average than either
Trichinopoly or Cananore.

On the other hand the
Civil Suits before me are
nothing in comparison to other
Cantonment Magistrates, but the
Suits under our jurisdiction
are so simple that they give
little or no work no Calendars,
Summaries &c. &c.

I also send you a list
of books documents &c. having
to be kept in my Court that the
Cantonment Magistrate has
nothing to do with, it is true
he has the jail to look after,
and a separate establishment
for it.

Moreover I have to
look after all the Cantonment
personally and as its prisoners

will not permit of a clerk
being kept, all the work has
to be done by my clerks,
who consider if the No. of Clerks
is reduced they ought to get
higher pay instead of having
extra i.e. Cantonment work
thrown on them.

Major Hantlin is permitted
to take down evidence in his
own hand, I am not, neither
am I able, and in consequence
when cases triable under
Chapter XIV. C. C. P. are before
me all the other work of the
Office comes to a stand still,
both Clerks being required,
one to translate for me the

others to write the evidence
in the native language.

Moreover this unlike
most other Courts is totally
detached, therefore if my clerks
are sick I can get no
temporary aid, and in consequence
my Court has been twice
closed during the current year.

I have the honor to be
Sir
Your most Obedt Servt.
Wm. Richards Major
Sess Magistrate.

Lieut Shewing the Number of Cases in Cantonment Magistrate's Office

Name of Cantonment	1866		1867		1868		1869		1870	
	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal
Panwarre	688	318	502	271	193	267	349	288	2020	1477
Trichinopoly	135	209	142	107	133	131	143	130	701	811
Bellary	518	500	240	244	240	244	244	110	110	110
S ^t Thomas Mount	229	337	471	536	471	536	536	514	1111	1111
Wellington	202	288	377	379	241	459	459	443	111	111
	346	19	19	26	19	26	26	19	111	111
	411	385	298	218	298	218	218	187	1111	1111

Wm. Richards Major
Cantonment, Secas. Dist.

Wellington
Cantonment Office
7th Decem^r 1871

9 7
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
Judicial Commissioner
Nilgherries, dated 20th
December 1871 ~~at~~ 28th 1871.

Order thereon 23rd Jan'y 72 No 83.

On consideration of
the papers above recorded
the Government see no
sufficient grounds for
giving the Cantonment
Joint Magistrate at
Wellington a third clerk.

2. The Government ob-
serve from the Return
showing the number of
cases disposed of by the
Cantonment Magistrate
at stations other than
Wellington, that the
aggregate

108.

Enclosure in letter

of 16th Decr 71

December 1871 - letter

Commissioner Nilgherries

Reference No 72

As letter No 98 previously
from the Nilgherries
Commissioner

As per the order of the

aggregate number of cases 1560
 Civil and Criminal dis-
 -posed of at Trichinopoly
 during the five years ending
 1870, were less than those 1616
 disposed of at Wellington
 They resolve therefore to *assuming these figures*
 direct that from the be- *One court*
 -ginning of the ensuing
 official year, the services
 of the 2^d clerk on the es-
 -tablishment of the Can-
 -tonment Magistrate at
 Trichinopoly be dispensed
 with, and the establi-
 -ment be placed on the
 same footing as that at
 Wellington.

To The Commissioner Nilgerry Hills
 -a- Cantonment Magistrate of
 Trichinopoly
 Master of High
 Road General

11/11/71
 11/11/71

Enclosure in letter
 of 165 dated 7-
 December 1871- letter
 Commissioner Nilgerry Hills
 Enclosure to Mr.
 In letter No 98 of 20 Dec 1871
 from the Jd Commr Nilgerry Hills
 the first to 22nd of 1871

13
Judicial Department

Memorandum on a letter from
the Commissioner of the Midgherry
No 98.

With this letter,

I do not think that Mr Brecks submits a
very sufficient grounds communications from the
are made out for Joint Magistrate, Captain
Richardson at Wellington
submitting the same to the
Joint Magistrate requesting a reconsideration
at Wellington a copy of the Order of
the Clerk, but it is Government dated the
14th March 1870, No 10,
the whole of the same is
disapproved of the reduction
of the salary of a clerk on No 35, in
it on the same form the Officer
at Wellington is of the Joint Magistrate
the beginning of the
ensuing official year at Wellington.

By V. 2. Captain Richardson
per

1871

No

Atk 7th November 1871

Atk 8th do

Atk 10th do

Atk 11th do

No

The Commissioner

Midgherry

Enclosure: 2.

Enclosure: 2.

Subject:

Regarding the salary of

the Clerk of the Court

of the Midgherry

at Wellington

Atk 11th do

Atk 12th do

points out that the comparison made by W. V. Brecks in his letter to Government dated 8th Dec. 1869, is based on the number of cases disposed of during the year 1866, 1867, 1868, 1869, and 1870.

for an increase of crimes.

He states that during 1871 he tried 54 civil, and 401 criminal cases, and that compared with the number tried in 1866;

Civil and Criminal

1866 — 445

1869, the year which Mr. Brecks took for his comparison, was an exceptional year.

1868 — 7

1869 — 266

1870 — 206

Months

3. Captain Richards submits two statements, one showing the work done in his Court as compared with four other Courts, and the other, the

the number of Returns which he has to furnish in his capacity of Sanitation Magistrate.

It gives the total number of cases disposed of during five years, 1866 to 1870, viz:—

Samamere — 3437

Trilinsopol — 1560

Bellarus — 2019

St Thomas Mount — 3326

Wellington — 1616

The second statement shows that of 16 Returns furnished, 9 relate to registration of births and deaths and of prostitutes, and 7 to housewarrant accounts and price lists. These 16 Returns belong

the Military Depart.
ment.

Mr Brooks does
not think that the

by the Joint Magis-
trate of Wellington af-
fords more work than
two efficient Clerks can
perform, and he adds -

"In 1869, 512 depositions

were disposed of by
the Joint Magistrate of
Taranaki who has only
one Clerk on 40 Rupees,
and an Attender (Duf-
ferin) who acts at times
as a kind of Remandensis)
on 10 Rs. I have not
heard that the Clerk
complained of overwork.

5. Captain Richards
states

states that he has to
look after all the Lan-
guage personally, as
as its finances will not
permit of a Clerk being
employed, and he adds -
to be done by his Clerk
and he adds -

"Major Hauke is
permitted to take down
evidence in his own hand
I am not, however, in-
sensible, and in consequence
when cases arise under
Chapter XIV of the Code
of Criminal Procedure
are before me, all the
other work of the office
comes to a stand still,
both Clerks being required,
one to translate for me,
the other to write the
evidence

vidence in the native language."

The establishment auctioned in 1865 for

Magistrate is

1 Head Clerk. Rs 50

1-2nd do. " 35

1-3rd do. " 20

1 Duffadar " 8

2 Peons " 16

1 Muzaffar " 5

1 Muzaffar " 5

Rs 132

The present establishment of the Joint Magistrate at Melling is

1 Clerk. Rs 50

1 do. " 20

2 Peons at 16

8 Rs each 5

1 Muzaffar " 6

Rs 92

The

8. The cost of furnishing Returns for the Military Department should properly form a charge against that Department, but as

Order, Jnd. Dept. dated the 20th September 1865, decided upon all charges connected with the ^{Camp} establishment being borne by the Civil Department, the expenses

Captain Richards another Clerk must be considered in the Civil Department.

It seems that a representation has not been made for affording Captain Richards the additional aid of a clerk on 20 Rs a month.

W. H.

Cont. of 1872 Minutes.

Index

To the
Hon. Comm. on Judiciary

Date *Aug 23* } 1872, No. 83
Recd. *✓*

Nos. 72-73

Received by the Clerk
of the Court of the
County of *Alameda*
a 3. *Book of Records*
Series of 1872-73
on the 23rd of the month
of *Aug* 1872
and the same is
deposited with the
Clerk of the Court
of the County.