

(1) Number of pages 40

(2) Date of repair 29-3-88

(3) Initials of the Referencer _____

Dr
30/3

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUDICIAL DEPARTMENT

G.O. No.	685	Press.
B.P. No.		Mis.
Dated	1-4-1878	197-

Ready

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

1st April 1878, No. 685.

Courts.

Read the following papers :—

No. 4. *From T. WEIR, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 13th February 1878, No. 337.*

I am directed to address the Government on the subject of the arrangements made in 1876 for the judicial administration of the district of Tanjore.

2. In the month of May of that year (G.O., dated 30th May 1876, No. 1067,) Government, after reference to the High Court, decided to try the experiment of having one amalgamated District and Session Court for the whole of the Tanjore District. The measure was at the time stated to be tentative only, power being reserved to re-establish the Court within the two years if the Government should find necessity for so doing. The High Court were also requested to inform the Government at the end of six months how the amalgamation worked in practice.

3. The required report was furnished to Government in the High Court's letter dated 6th February 1877.

4. The term of two years fixed for the testing the practicability of one amalgamated District and Sessions Court for the whole Tanjore District is now approaching an end, and the subject will, therefore, shortly require further consideration and determination. Meanwhile the District and Session Judge, Dr. Burnell, has addressed to the High Court the accompanying letter dated 25th January 1878, a copy of which I am now to communicate to the Government.

5. Dr. Burnell's proposal is to the effect that Government should relieve the District and Session Court by appointing one of the three Subordinate Judges of Tanjore to be an Additional Sessions Judge.

6. The High Court are of opinion that Dr. Burnell has fairly estimated the amount of criminal work likely to come before the Tanjore Session Court.

7. In the High Court's letter of the 5th April 1876 the average annual number of session cases coming before the Tanjore Court was shown to be 116. The average number is now stated to be over 120 per annum.

8. The High Court believe that Dr. Burnell's special acquirements as an orientalist are needed for the preparation of a catalogue of valuable manuscripts at Tanjore and that his labors in this direction are undertaken with the sanction, and at the request, of the Government. The civil work of the district and the supervision of twelve District Munsifs and three Subordinate Judges' Courts are in themselves no light charge. If to this is added the heavy criminal work falling on Dr. Burnell and his literary labors, the need of some assistance must be admitted. The judicial work of the district is sufficient certainly to occupy the undivided attention of at least one Judge.

9. The High Court fully recognize the merits and qualifications of Judicial Officers now in the Tanjore District. The Court are not, however, prepared (having regard to the very special and peculiar qualifications and experience requisite for this office in such a district) to advocate the adoption of Dr. Burnell's proposal for the appointment of one of the three Subordinate Judges as an Additional Session Judge. The Court desire to add, with reference to Dr. Burnell's proposal, that the native

judicial service is fully capable of furnishing an officer possessing the requisite qualifications for the post of Additional Session Judge.

10. The question of the expediency of the arrangements made in 1876 must now shortly come under consideration, and the High Court think it will, for the present, be sufficient to call the attention of Government to the subject in connection with the letter now forwarded from Dr. Burnell.

11. It may perhaps be found that the appointment of a competent additional Judge as suggested will be the most suitable arrangement or it may be found necessary again to divide the district into two divisions under a separate District and Sessions Court.

ENCLOSURE No. 1

From A. C. BURNELL, Esq., Ph.D., Session Judge of Tanjore, to the Registrar of the High Court of Judicature at Madras, Appellate Side, dated Tanjore, 25th January 1878, No. 12.

I have the honor to request that their Lordships will be pleased to admit the following application for the favorable consideration of Government, viz., that an Additional Session Judge be appointed for this district.

2. Since the union of the District and Session Courts of North and South Tanjore in the middle of 1876, the session file of this Court has shown, on the average, above 120 cases for the year. I am satisfied that this has not been caused by the famine or similar accidental circumstances, and that this number of session cases, or even a larger number, will in future be seen. In 1874 I observe, *et seq.* that the number of session cases in the North and South Tanjore Courts was 110. The last report I have of criminal statistics (May 1877) shows that the heaviest session files were then—Bellary 151, South Malabar 151, South Arcot 145, Malora 130, Salem 130. But all these districts were already affected by the famine in a way that has not occurred here, as the return for previous years show. I consider, therefore, that the normal number of session cases in the Tanjore District will always be much higher than that of other Sessions Courts in this Presidency.

3. The statistics of the civil work are already before you, and I need only remark that the number of miscellaneous petitions, &c., is very high here, and that in addition I have an unusually large correspondence as there are no less than sixteen courts in this district, a number which does not exist in any other district.

4. For the last sixteen months the average length of the sessions has been 61 days; it is only by great exertion on my part that I have been able to do the work in so short a time, and I am satisfied that, if the sessions work takes more than a week in each month, the civil work must be done in a hasty and unsatisfactory way, or arrears will accumulate and the Judge be exposed to censure. The cases which come before the Courts in the Tanjore District are most difficult and complicated, and the amount of evidence that has to be taken or looked into is always very great. Compared with the work of the other districts (Chidambaram and South Canara) in which I have served as Judge, that of this district is from every point of view difficult and heavy.

5. For these reasons I trust that their Lordships will consider that I am justified in asking for the assistance of an Additional Session Judge, and that they will support this application. The appointment of an Assistant Session Judge would be of little or no use. It is, I may mention, my desire, not that another Judge should be appointed to this district, but that the powers of an Additional Session Judge should be conferred on one of the Subordinate Judges already here.

6. As there is already a Court-house at Tranquebar which is in every way suitable, and as there is a station at Tranquebar, it would probably be desirable that the Additional Judge should, for this purpose, sit there. There is no place nearer here for an Additional Session Court. It would also be desirable that he should try all session cases which come from the former North Tanjore District.

No. 5.

ORDER THEREON, 1st April 1878, No. 685.

His Grace the Governor in Council is of opinion that the tentative abolition of the second District and Session Court which existed in the district of Tanjore has proved to be a mistake, and the Court will accordingly be re-established when the remaining District Court is re-opened after the approaching adjournment.

2. It is observed that, when abolishing the Court, the Government expressly stated that the measure was tentative only for a period of two years, which term is now shortly about to expire; and that, feeling considerable doubts as to the possibility of the amalgamated Court being able to satisfactorily dispose of the duties which would fall upon it, they reserved to themselves the liberty of reverting to then existing arrangements for the disposal of the judicial work of Tanjore.

3. The re-established Court will be stationed at Tranquebar, with the same territorial jurisdiction as was possessed by the District and Session Court of Negapatam.

4. Copy of these proceedings will be furnished to the Government of India.

NOTIFICATION.

Under the provisions of the enactments noted in the margin,* and in supersession

*The Madras Civil Courts Act, 1873, Sections 3, 5, and 10.

The Code of Criminal Procedure, Section 13. † Published in the *Fort St. George Gazette* of the 4th July 1876, page 938.

of the notification† in this department, dated 30th June 1876, His Grace the Governor in Council directs that the District and Session Court of North Tanjore—which was abolished, as a tentative measure, under the terms of that Notification—shall be re-established from the date on which the District Court at Tranquebar is re-opened after the approaching adjournment; that it shall be stationed at Tranquebar; and that it shall have the same territorial jurisdiction as it possessed when it was formerly located at Negapatam.

2. From and after the date aforesaid the District and Session Court at Tanjore will be designated “the District and Session Court of South Tanjore,” and shall have the same territorial jurisdiction as was possessed by it previously to the Notification above mentioned.

(By order of His Grace the Governor in Council)

D. F. CARMICHAEL,
Chief Secretary.

To the Honorable the Judges of the High Court.
“ District and Session Judge, Tanjore.
“ District Magistrate, Tanjore.
“ Accountant-General.

Encl. J. W. Fischer.

JUDICIAL DEPARTMENT.

Courts.

No. 686.

FROM:

THE HON. D. F. CARMICHAEL,
Chief Secretary to the Government of Fort St. George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

With reference to the late Chief Secretary's letter, dated the 30th May 1876, No. 1068, intimating that the abolition of the District and Session Court of North Tanjore was tentative only for a period of two years. I am directed to forward, for the information of the Government of India, copy of the Proceedings of this Government, No. 685, dated 1st April 1878, authorizing the re-establishment of the Court when the present District Court is reopened after the approaching adjournment.

I have the honor to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,
1st April 1878.

Chief Secretary.

Edw. J. W. Fischer.

Govt. of 1878

JUDICIAL

THE HON. THE JUDGES OF THE

HIGH COURT

to,

Presiding Judge

and

Deputy

G.O. 1st April 1878, No. 686.

APRIL
1878, A-G.

Order.—The District and Session Court of North Tanjore, which was abolished as a tentative measure by G.O. No. 1067 of 1876, is to be re-established. Copy of these Proceedings forwarded to Government of India.

1876

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No 337

1876

From

J. Weir Esquire,

Acting Registrar of the
High Court of Judicature
Madras.

To

The Honorable D. F. Carmichael.
Chief Secretary to
Government.

Honorable Sir,

I am directed to address
the Government on the subject of
the arrangements made in 1876
for the Judicial Administration
of the District of Tanjore.

In the month of May
of that year (G.O. dated 30th May
1876, No 1067,) Government, after
reference to the High Court de-
cided to try the experiment of
having one amalgamated Dis-
trict and Sessions Court for the

whole of the Tanjore District. The
measure was at the time stated
to be tentative only, powers being
reserved to re-establish the Court
within the two years, if the
Government should find neces-
sity for so doing. The High Court
were also requested to inform
the Government at the end
of six months how the magis-
trates worked in practice.

The required report
was furnished to Government
in the High Court's letter dated
6th February 1877.

The term of two years
fixed for the testing the prac-
ticability of re-establishing the
District and Sessions Court for
the whole Tanjore District is
now approaching an end, and
the subject therefore, shortly
must be taken under con-
sideration.

2 P
determination. Meanwhile, the
District and Sessions Judge, -
Dr. Burnell, has addressed to
the High Court the accompanying
letter, dated 25th January 1878,
a copy of which I am now to
communicate to the Government.

Dr. Burnell's proposal
is to the effect that Government
should relieve the District and
Sessions Court by appointing -
one of the three Subordinate
Judges of Tanjore to be an
Additional Sessions Judge.

The High Court are of
opinion that Dr. Burnell has
fairly estimated the amount
of Criminal work likely to come
before the Tanjore Sessions Court.

In the High Court's
letter of the 5th May 1876, the
average annual number of

Sessions Cases coming before the
Tanjore Court was shown to be
116. The average number is now
stated to be over 120 per annum.

The High Court believes
that Dr. Burnell's special require-
ments as an orientalist are
needed for the preparation of
a catalogue of valuable manu-
scripts at Tanjore and that his
labours in this direction are
undertaken with the sanction
and at the request of the Govern-
ment. The Civil work of the
District and the supervision of
twelve District Munsifs and
three Subordinate Judges' Courts
are in themselves no light charges.
If to this is added the heavy
Criminal work falling on Dr.
Burnell and his literary labours
the need of some assistance
must be admitted. The judicial

work of the District is sufficient
certainly to occupy the undivided
attention of at least one Judge.

The High Court fully
recognize the merits and qua-
lifications of judicial officers
now in the Tanjore District.
The Court are not, however, pre-
pared (having regard to the
very special and peculiar qua-
lifications and experience re-
quisite for this office in such
a District) to advocate the
adoption of Dr. Burnell's pro-
posal for the appointment of
one of the three Subordinate
Judges as an Additional Sessions
Judge. The Court desire to add
with reference to Dr. Burnell's
proposal that the Native judicial
Service is fully capable of fur-
nishing an officer possessing
the requisite qualifications for
the post of Additional Sessions Judge.

There are some
cases and letters
in Tanjore Court
which are

The question of the ap-
propriety of the arrangements made
in 1871 in relation to the
under consideration and the
High Court think it will, for the
present, be sufficient to call the
attention of Government to the
subject in connection with the
letter now forwarded from Dr.
Barnwell.

It may perhaps be
said that the appointment
of a competent additional judge
as suggested will be the most
available arrangement, or it may
be found necessary again to
divide the District into two
divisions under separate
District and Sessions Courts.

High Court of } Have the honor to be,
Judicial, Madras } Honorable Sir,
13. February 1878 } Your obedient servant,
Ode

1012.

25th January 1878.

From

A. C. Burnell, R. D.

Session Judge of
Tanjore

Y. Veir Esquire,
Registrar of the High Court
of Judicature,
Madras.

Sir,

I have the honor to request that these Lordships will be pleased to submit the following application for the favorable consideration of Government vizt: that an additional Session Judge be appointed for this District.

Since the union of the District
and Session Courts of North and South Eugene
in the middle of 1876, the Session file of this
Court has shown, on the average, about 120

28th Feb 177, Dec 176-177
30th May 176, Dec-175-177
7th March 176, Dec 57.
5th March 176, Dec 14-177

Admission 1875 (D. J. H.)
9th County

The Register of the
 High Court of Judicature,
 at Calcutta.
 The Chief Justice to
 Government.

Feb 14 1878

10337-

No. 431
Addressing the
ment on the subject
of the arrangements
made, in 1846 for the
Judicial Administration
tion of the District
of Oregon. —

cases for the year. I am satisfied that this
has not been caused by the famine, or similar
accidental circumstances, and that this number
of Session cases, or even a larger number, will
in future be seen. In 1874, I observed, e.g., that
the number of Session cases in the North and
South Mysore Courts was 110. The last report
I have of Criminal Statistics (May 1877)
shows that the heaviest Session files were
then: Bellary-157, South Kanara-151, South
Coast-145, Madras-136, Taluk-130. But
all these Districts were already affected
by the famine in a way that has not
occurred here, as the picture for previous
years shows. I consider, therefore, that the
normal number of Session cases in the

9 56
Mysore District will always be much higher
than that of other Sessions Courts in this
Presidency.

The Statistics of the Civil ^{work} are already
before you, and I need only remark that
the number of Miscellaneous Petitions is
very high here, and that in addition, I have
~~an unusually large correspondence as there~~
are no less than 16 Courts in this District
a number, which does not exist in any other
District.

For the last 16 months, the average
length of the Sessions has been $6\frac{1}{8}$ days; it
is only by great exertion on my part that
I have been able to do the work in so short

a time, and I am satisfied that, if the sessions
work takes more than a week in each
month, the civil work must be done in
a hasty and unsatisfactory way, or arrears will
accumulate and the Judge be exposed to
censure. The cases which come before the courts
in the Bangalore District are most difficult
and complicated, and the amount of evidence
that has to be taken or looked into is always
very great. Compared with the work of the
other Districts (Coondapali and South Canara)
in which I have served as Judge, that
of this District is from every point of
view difficult and heavy.

For these reasons, I
trust that their Lordships will consider

that I am justified in asking for the
assistance of an additional Session Judge,
and that they will support this application.
The appointment of an assistant Session
Judge would be of little or no use. It is,
I may mention, my desire not that another
Judge should be appointed to this District,
but that the powers of an additional
Session Judge should be conferred on one
of the subordinate Judges already here.

As there is already a Court-
house at Tranquebar which is in every way
suitable, and as there is also an excellent
jail there, it would probably be desirable
that the additional Judge should, for
this

as the business, it is. There is no place
on available here for an additional session
a court. It would also be desirable that
all the cases which
be sent from the former North Superior
District.

I have &c.

Signed/ A. C. Burnell
Session Judge.

Done before

Signed/ A. C. Burnell
Session Judge

Done before

Wm.

Acting Registrar
Appellate side

La Crosse

La Crosse from
the M. J. Registrar
to the High Court of Appeals
at La Crosse, Wis. 337
Done before
the 27th of Feb. 1881

La Crosse
434
La Crosse
434

12 7/1
Just. Sep 2

Recd letter No 337 of 13th Feb 1878
 from the Regt. Secy.
 Order 100 April 1878 No 685

The Regt. Secy. is of opinion
 that the ^{tentative} resolution of the second
 S.E. Session of 1877, which existed
 in the district of Tanjore, is proved
 to be a mistake, and that the S.E.
 will accordingly
 be re-established when the area
 remaining S.E. CE is reopened
 after the approaching adjournment.

2. It is observed that, ^{when} in discussing the
 CE, the Govt. expressly stated that
 the measure was tentative only
 for a period of two years, which
 term is now about to shortly
 about to expire; and that they
 reserved to themselves the liberty
 of reverting to the existing arrange-
 ments for the disposal of the judicial
 work of Tanjore & feeling considerable
 doubts as to the possibility of the annual
 sanctioned CE being able to satisfactorily
 dispose of the ~~existing~~ duties which
 will fall upon it.

C.O. 30 May 78.
 No 1067

6 } Sep 4/4

6 }
 Gazette 7/4 1878
 Mr. J. E. Baker & Co
 Notification

24/3

MD

26/3

4. Copy of these Prop.
 will be furnished to
 the Regt. Secy.

3. The re-established CE will be stationed at
 Tanjore, with the same territorial jurisdiction as was proposed
 to be in a former CE of Madras.

To the Committee to inquire into the A.C. with C.L.
 - " - District & S.E. Session of Tanjore.
 - " - District & S.E. Session of Tanjore.
 - " - District & S.E. Session of Tanjore.

Final

(Amended) ...
1871/72

Cure

Soon

14 88

Notification

The Madras Civil Courts
Act, 1873, ss. 3, 5 & 10
The Code of Criminal
Procedure, s. 13.

* published in the Fort
St. George Gazette
of the 14th July, 1876,
page 938.

Under the provisions of
the enactments noted
in the margin, and
in pursuance of
the Notification in this
Dept. dated 30th June
1876, His Grace the
Governor in Council
directs that the District
and Session Court of
North Tanjore - which
was abolished, as a ten-
-tative measure, under
the terms of that Noti-
-fication - shall be re-
-established from the
date on which the
District Court at Tanjore
is re-opened after the
approaching

Approaching adjourn-
-ment; that it shall
be stationed at Tran-
-quebar; and that
it shall have the
same territorial juris-
-diction as it pos-
-sessed when it was
formerly located at
Negapatam.

2. From and after the
date aforesaid, the
District & Session Court
at Tanjore will be
designated the District
and Session Court of
South Tanjore, and
shall have the same
territorial jurisdiction
as was possessed by
it

15 98
injunction to
it on the date of the
Notification above
referred to.
Dated

20/3/8

Godfr.
R. S. B. B. B. B. B.
S. S. S. S. S. S. S.
C. S. S. S. S. S. S.

16
T. S. DEPARTMENT.

No. 4312495
From High C.
Dated 13th & 19th Feb - 78.

FOR ORDERS.

Followed one day, informed, a
note from Burnell, saying that
Crops, the S. C. Judge at Tanjore, might be made an addl. Sefrin Judge for a portion of the district.

I was directed to tell him to submit an app^{ly} bers' High C.

He has now done so, but does not specify Crops - thinking it perhaps more becoming - in an official letter, to refrain from any recommendation.

The High C. admit that there are only two solutions to the Tanjore press of judicial work.

(a) either revert to the division of the dist^{ct} into two judicial districts

(b) or to have his addl. Sefrin Judge.

Why should we go to the expense of (a): when (B) is to be got for nothing.

The High C. seem to have their eye upon a Native Sub Judge for the work. Everybody knows Mr. Muttasami Aiyar will be the best selection; but unless he is made a second S. C. Judge there, he can't be sent to the Tanjore district: his pay in Madras being so much higher than that of a Sub Judge, in the Tanjore.

* to long as Burnell engages in literary work, with the approval of Govt.

P.N. 2572/8

I suppose the construction
of the Kenton on jail
has been finished. But
what time do they

28.2.7A

A tentative reduction
has been tried & failed
prompt relief is required
of the dilemma or re-
sort to expedients - in the
feeling of a slight & essential
character - to that have
them freed or as seen at
the end of 2 years or have
be considered with a view
to final decision. J. P.

transmitted the P.P. I. for
perusal & act by
the main Dept. I don't
not report the status
one ante a trial
has returned a letter
5/5 1251

FOR ORDERS.

With the Proceedings. } desps 4/4-

No. 686

Judicial DEPARTMENT.

To

The Secretary to the Government
of India,

Home DEPARTMENT.

Sir,

With reference to
the late Chief's letter from the Department
dated the 30th May 1876,
N^o 1068 intimating that
the abolition of the District
and Session Court of
North Tanjore ^{was} ~~is~~
contingent tentative only
for a period of two years,
I am directed to forward
for the information of the
Government of India, copy
of the Proceedings of this
Government.

Government N. 685, dated
1st April
March 1878, authorizing
for reasons shown, the
re-establishment of the
Court, when the present
District Court is re-opened,
after the approaching
adjournment.

Fort Saint George }
1st April 1878 }

685
19

19

103/20

80

187 DEPARTMENT.

No.

To

The Secretary to the
Government of

Department.

Dated 187 .

List

15-12-1875

1875

1875



605/606

Apr. 1875, No. 1

Nov. 4-6.

2
The St. and
City of N. Tanjore
was abolished a
tation measure by
the 1067 of 1876 - 2
established. City
of Tanjore was
to be

1875