

(1) Number of pages 44(2) Date of repair 7-7-47(3) Initials of the Referencer JH

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1228.	Press Mis.
Dated	22. 5.	18 80.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

22nd May 1880, No. 1228.

Cochin Subordinate Court.

Read the following papers :—

No. 121. *From J. WILKINS, Esq., Subordinate Judge of Cochin, to the Chief Secretary to Government, dated Cochin, 6th April 1880, No. 65.*

With reference to your Official Memorandum, dated 30th March 1880, No. 726, I have the honor to submit herewith a return showing the work in my Court—Civil and Criminal—during the years 1877, 1878, and 1879, prepared in accordance with the form appended to the above memorandum.

ENCLOSURE No. 1.

Statement of the Work, Civil and Criminal, in the Subordinate Court at Cochin during the Years 1877, 1878, and 1879.

Years.	CIVIL WORK.											CRIMINAL WORK.				
	CIVIL SUITS.											CASES.		APPEALS.		
	Regular Civil Suits							Small Causes		Appeals		Pending and Filed.	Number to which Europeans were Defendants.	Total disposed of.	Pending and Filed.	Total disposed of.
	Pending at the beginning of the year.	Instituted in the year.	Total Filed.	Disposed of on merits.	Otherwise disposed of.	Total disposed of.	Average Value of each Suit disposed of on merit.	Pending and Filed.	Total disposed of.	Average Value of same.	Pending and Filed.	Total disposed of.				
							RS.			RS.						
1877	8	29	37	27	7	34	343	162	147	127	..	..	110	6	98	5
1878	2	56	58	46	3	49	1,157	258	244	113	42	42	234	16	219	2
1879	9	86	95	67	7	74	432	334	323	99	21	..	169	5	155	8

N.B.—Besides the above, as Divisional Magistrate, I have to review the judgments and calendars of four Sub-Magistrates and pass orders on the referred charge sheet of the Police, and also to attend to the duties of Registrar of Shipping.

COCHIN,
6th April 1880.

(Signed) J. WILKINS,
Subordinate Judge.

No. 122.

No. 123.

No. 1024.

A consideration of the foregoing statement, exhibiting the statistics of the somewhat varied but palpably ordinary work coming before the Cochin Court, has led the Government to believe that the pay of the appointment, Rs. 500 (Mr. Wilkins drawing 200 rupees extra as a personal allowance), may properly be reduced to 350 rupees, being 50 rupees over that of a First-class District Munsif and equivalent to that of a Third-class Deputy Collector and Magistrate, on the approaching retirement of Mr. Wilkins, who is over sixty years of age.

2. The Registry of Shipping might be transferred to the Port Officer, who might also be made a Justice of the Peace, in case the nationality of Mr. Wilkins's successor is not "European British;" though, after all, the cases in which a Justice of the Peace would be necessary, appear to average only five a year.

3. The District Magistrate and District Judge will respectively report on the above suggestions. The District Judge will state whether the next officer presiding over the Cochin Court should not be graded as a Sub-Judge as at present, in view to his disposing of small causes above 50 rupees, and appeals.

29th April 1880.

(Signed) R. DAVIDSON,
Chief Secretary.

No. 124. From G. McWATTERS, Esq., Acting District Magistrate of Malabar, to the Chief Secretary to Government, dated Calicut, 3rd May 1880, No. 1117.

With reference to Proceedings of Government, Judicial Department, dated 29th April 1880, No. 1024, I have the honor to state that I am in favor of the suggestions made by Government regarding the Subordinate Judge's Court at Cochin.

2. There is very little work of any kind at Cochin, and an officer of the standing of a Third-class Deputy Collector and Magistrate would be ample for the place.

3. A First-class Magistrate with appellate powers is essential owing to the distance of Cochin from the other divisions.

4. The Registry of Shipping might, I think, be transferred to the Master Attendant.

5. The present Master Attendant, Mr. Gahan, is a Justice of the Peace.

No. 125. From H. WIGRAM, Esq., Acting District Judge of South Malabar, to the Chief Secretary to Government, dated Ootacamund, 13th May 1880, No. 1662.

I have the honor to reply to the Proceedings of Government, Judicial Department, dated 29th April 1880, No. 1024.

I entirely concur with the Government that there is no necessity for the retention of a Subordinate Judge on Rs. 500 *per mensem* at Cochin.

2. The original civil work is not more important than the ordinary work of any District Munsif in a seaport town.

Cochin is most inconveniently situated for an Appellate Court, and I have reason to believe that suitors object to having their appeals heard there on account of the scanty accommodation for strangers in the town. It is chiefly on this account that I have refrained from referring any large number of appeals to the Subordinate Judge of Cochin for disposal.

The distance from the nearest Munsif's Court in South Malabar to Cochin is sixty miles.

With a hard-working Subordinate Judge at Calicut, a District Judge should, in my opinion, find no difficulty in disposing of the appellate work of the district, heavy though it is. Even if the work should increase so that the District and Subordinate Judges at Calicut were unable to cope with it, it would be far better to have an additional Subordinate Judge at Calicut than a permanent Subordinate Judge at Cochin. The services of the Subordinate Judge at Cochin may, in my opinion, be dispensed with and rendered available for some other district.

3. It is of course necessary that the officer stationed at Cochin should be vested with the powers of a District Munsif, but I see no reason why he should have the Small Cause powers of a Subordinate Judge. I have no statistics before me, but I think it would probably be found that at least one-half of the small causes tried in any one year were within the cognizance of a District Munsif, *i.e.*, below 50 rupees in value, and I am strongly of opinion that money suits above 50 rupees in value should, when practicable, be tried as regular suits.

4. From the statement which accompanies the Government Proceedings it is evident that the most important work which devolves on the Subordinate Judge at Cochin is the magisterial work. Cochin certainly requires a First-class Magistrate, and should, as heretofore, form a division of the district. I would, however, suggest that the officer stationed there be in future styled Deputy instead of Joint Magistrate. An experienced Magistrate is necessary, as the people of Cochin are a turbulent race, and unless some firmness is shown in dealing with them, British Cochin might easily become a refuge for the worst characters in Native Cochin. Again, the European merchants of Cochin if consulted would, I am sure, strongly urge the desirability of having a European Magistrate who was also a Justice of the Peace. My own impression is that a European Deputy Collector and Magistrate should be stationed at Cochin, and that he should be invested with the ordinary powers of a District Munsif. This plan would set free a Subordinate Judge for work of a more legitimate character, and would leave the Government at liberty to select a Deputy Collector of whatever class was available.

No. 126.

ORDER THEREON, 22nd May 1880, No. 1228.

The foregoing papers will be furnished to the Honorable the Judges of the High Court, who will be requested to give their opinion on the proposal made by Government and accepted generally by the local authorities, regarding the arrangements to be made for the Judicial and Magisterial work at Cochin, on the approaching retirement of Mr. Wilkins.

2. The proposal in effect is that Mr. Wilkins's successor shall be a Second-class Subordinate Judge, retaining the Magisterial work, but to be relieved of the duties of Registrar of Shipping.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Hon'ble the Judges of the High Court,
with covering letter to Chief Justice.

Ex. T. O'Connor.

Handwritten notes at top of page 1, including "Cochin Subordinate Judge's Office" and "Mr. Wilkins".

The pay of a Madras Sub Judge is 500, but Mr Wilkins has been transferred to the Cochin Sub Judgeship on the abolition of his office of P. C. C. Judge of the District Court, Madras, on the 1st of May 1880. The pay of that office (700 Rs) was assigned to him. As he is now over 60, I suggested in January last that he might be called on to retire, when he 200 Rs. personal salary drawn by him will fall in for distribution to the fund we have created (with the sanction of Govt. of India) for the improvement of Judicial Establishments; but on the 1st of March Mr Wilkins has written saying that it will not be easy to find a competent successor, in the absence of the heavy criminal work falling on the Sub Judge of Cochin, and that he is in his jurisdiction over Europeans, it was resolved not to proceed with my suggestion. Having now however procured a

Govt. of 1880 Madras.

JUDICIAL.

THE HON'BLE THE JUDGES OF THE HIGH COURT.

Dated May, 22nd.

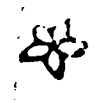
Respectfully

Respectfully

G.O., 22nd May 1880, No. 1223.

Ms. 121-126.

Cochin Subordinate Court.—The opinion of the High Court requested on the proposal of Government regarding the arrangements to be made for carrying on the Judicial and Magisterial work at Cochin on the retirement of Mr. Wilkins, the Subordinate Judge of that station.



Statement showing the whole of
the work coming before the Sub C^t
of Cochin, to the Civil & Criminal,
for the three years, 1877, '78, '79 -
I think my colleagues will agree
in toto, not only that there is no occasion
to retain Mr Williams for it at 700,
but that half that sum, being 350 Rs.
even when drawn by a 1st class
Magistrate, is ample for the
somewhat varied but palpalably
ordinary duties which he as Cochin C^t
has to discharge. The bulk of
European offenders disappears
altogether; there are but 5 cases
a year in which Europeans are con-
cerned - all probably tipu-
sailors. The Port Officer is a very
respectable Englishman & will
manage such cases equally well;
and, not probably fill the post of
Registrar of Shipping even better
than the Sub Judge.

The best plan of working out
any change will be to refer the

and equivalent to
the salary of a 3^d
class Magistrate
Magistrate

43
Statement to the H. C. & day we
shall be glad of their advice as to what
may be most proper - it is morally
being over to in proper to retain under
highly functional into the high
of 500 Rs. - a rate of salary which we
cannot exceed - I wish we could -
for a subordinate judge in Tanjore,
Calicut or Madras, or wherever
litigation is most intricate, heavy
and important. Add, that it
occurs to us that a 5th Member (or
a Sub Judge, if they see any good
reason to retain an officer of that
grade, with reference to his higher
jurisdiction in S. C. suits, etc. for)
on 350 Rs., with the present magis-
trates powers superadded, will be
sufficient. If they can lay hands
on an experienced official, who
from nationality is not deterred from
being a T. P., it would not worse;
but we attach no particular im-
portance to it - European offenders
being so few in the place. Lastly, that
we have proposed a salary in excess
of a 1st class 5th Member, because,
owing to the immovable work, he will
certainly will be unable, as a
matter of course, to leave the place

who has 300 Rs.

during the annual recess of
the Court, and because
he will have to discharge his duties
as Judge of a (small) Division
of the District. The Shipping Registers
ship we intend to hand over to the
Port Officer. Sd. J. Perumal.
23/4/8

I should prefer to
obtain the Judge's
opinion before going

H. C.

24/4

M. C.

No 65
1880

R. D.
3 APR 80

Cochin 6th April 1880

9

121

From

The Subordinate Judge of
Cochin

The Chief Secretary to Government

Judicial Department

Fort St George

Madras

Sir,

With reference to your official
Memorandum dated 30th March 1880, No 726,
I have the honor to submit herewith
a Return showing the work in my
Court, Civil and Criminal, during the
years 1877-78 & 79 - prepared in ac-
cordance with the Form appended to
the above Memorandum.

I have the honor to be,

Sir,

Your most obedient servant

J. Perumal

Subordinate Judge

13 50
 Just kept

Read letter from Sub J. of Cochin
 d/6-4-6 No 65-

Read minute by Hon W. F.

Order 29 April 1880 ^{d/23 d. edum} No 1024.

123

A condn of the foregoing State^t, exhibit-
 - ing the statistics of the somewhat varied but
 palpably ordinary work coming before the Cochin
 Ct^y, has led the Govt to believe that the pay of the
 appt, Rs 500 (Mr Wilkins drawing Rs 400
 extra as a personal allowance) may properly be
 reduced to 350 Rs, being 50 Rs over that of a 1st
 class Jst Magst & equivalent to that of a 3rd class
 Jst Col^l & Magst - on the approaching retirement of
 Mr Wilkins, who is over 60 years of age.

2. The Proprietor of Shipping might be transferred
 to the Port Officer, who might also be made a Justice
 of the Peace, in case the nationality of Mr Wilkins's
 successor is not "European Port Officer"; though,
 after all, the cases in which a J. P. will be necessary,
 appear to average only five a year.

3. The Jst Magst & Jst Judge will respectively report
 on the above suggestions. The Jst Judge will state
 whether he is prepared to take over the Cochin Ct^y
 should he be promoted as a Judge on a Sub Judge ^{as proposed}
 reference to his discharging the duties of a Sub Judge ^{as proposed}
 appeals 5000, and ~~the~~ appeals.

next

To Jst Magst - Malabar ^{South} ~~North~~ Malabar (on receipt of appointment)
 To Jst Judge

Encl. R. A. 121

Statement of the Committee
 and Committee in the
 subordinate Court at Cochin
 during the years 1877, 1878, 1879.
 1226/80

Order & Minute
 Received } 1880.
 The Chief Secretary
 to the Government
 of India
 at Cochin

The subordinate Judge
 at Cochin

1024

(3)

C. B. 29/4/0.

R.D.

27 APR 80

C.B. 29/4/0.

No 1024

In G.O. No. 1222 of 21 May/80

Dep. Secy. to Govt.
Madras

Copy of the order
of the Government
of Madras

It seems to me that the
Cochin is in the hands of
the British

(3)

Indicating
25/5/80

R.D. Rockland
2 MAY 80
Potacamund
April 30th 1880

Dear Sir

I venture to think there
must be some mistake in
sending Proceedings of the
Hon. Court dated 29th April
No 1024 to me for report
whether the next officer
for sitting over the Court
at Cochin should not be
graced as a Sub Judge as
at present in view to
his disposal of Small
Cause above 50 Rs &
appeals - The Sub Judge
of Cochin is subordinate
to Mr Wigram Secy
of South Malabar not to
be as District Judge of
North Malabar Enclosing
the papers I am yours truly

To R. D. Rockland
Potacamund
J. R. D. Rockland
Dist. Judge Malabar

From *Pres. (18th) DEPARTMENT.*
(Court)
To His Judge
North Malabar

No. *1528*
 Dated *30th April*
 Received *2nd May* 1880
Section 2

Returning, with
 remarks, to his 1024
 of 29th April 1880, re
 regarding the grading
 of the next of the pro
 vision over the Court
 at Cochin as a Sub
 Judge, &c.

Keep into f.o
1024 & 22 May

It seems
Cochin

Accountant General's Office,
 Ootacamund, MADRAS. 21
 the of 18

My dear Mr. Cornichall
 I met your pen
 with the letter on the road
 so I told him I would send
 an answer.
 The difficulty about the Sub-
 Judge is that it comes under
 Law & Justice & is therefore
 purely Imperial: but I think
 that as it is a reduction not
 an increase of charge, the

Judicial Department
 237
 25

65.6.29/30.

La 9.0. No 1228 / 22-5-88

[illegible]

No 174

Calicut 3rd May 1880.

Jim.

L. newatti *Bergin*

Q. a. t. magistrates of malabar
Calicut.

2.

R. Davidson Esq. C. P. I.
Chief Secretary to Government
D. O. C. and Co.

Er;

With reference to Proceedings
of Government Judicial Department,
dated 29 April 1880, or 1924, I have
the honor to state that I am in
favor of the suggestions made
by Government regarding the
Subordinate Judges Court at
Cochin.

2. There is very little work of any kind at Cochin and our officers of the standing of a 3^d class Deputy Collector & Magistrate would be

be ample for the place.

3. A first class Magistrate with appellate powers is essential owing to the distance of Cochin from the other divisions.

4. The registry of shipping might, I think, be transferred to the Master Attendant.

5. The present Master Attendant, Mr. Gahan, is a justice of the Peace.

I have the honor to be
Sir

Yours most Obedient servant
Donowalls
Ag. Magistrate

ddh

Handwritten notes in the right margin, including the word "Donowalls" and other illegible scribbles.

Pub. Judge's Court at
Cochen - Nephew to
S. ~~8~~³⁰ N. 1024 dated 29th
April 1880 on the —

Indian R. & N. Co. Station
 Agents
 611 Broadway
 New York
 The ~~Editor~~ of Malabar
 Co. R. & N. Co.
 The Chief Secretary
 to Government
 Datacard
 No 30 of 1225 of 22-5-88
 8/3rd May 1888
 Recd. 6/1/88
 No. 1117
 Enc. with
 1/1/88

R.D.
15 MAY 83

potacocumud

13th May - 1880.

Zum H. Wiggen 1887.

ag District group of S. Malabar

To R. Davidson Esq

Chief Secretary to Government

Sir, I have the honor to reply to
the Proceedings of Government
Judicial Department Dated 29th Feb
1880 - No 1024 - with the Govern

1880 - No 1024 -
I entirely concur with the Govern-
ment that there is no necessity
for the retention of a subordinate
Judge on 500 Rs per mensem, at
Cochin -

Cochin -
2. The original civil work is not
more important than the ordinary
work of any District Municipality in
a seaport town.
Cochin is most inconveniently
situated for an Appellate Court and
I have reason to believe that Scitors
object to having their appeals heard

there an account of the scanty accommodation for strangers in the town - It is chiefly on this account that I have retained from referring any large number of appeals to the Subordinate Judge of Cochin for disposal - The distance from the nearest Municipality Court in S. Malabar to Cochin is 60 miles - With a hard working Subordinate Judge at Cochin a District Judge should in my opinion find no difficulty in disposing of the appellate work of the District, heavy though it is. Even if the work should increase so that the District and Subordinate Judges at Cochin were unable to cope with it, it would be far better to have an additional Subordinate Judge at Cochin than a permanent Subordinate Judge at Cochin - The services of the Subordinate Judge at Cochin may in my opinion be dispensed with and rendered available for some other District.

3. It is of course necessary that the officer stationed at Cochin should be vested with the powers of a District Munsif, but I see no reason why he should have the Small Cause powers of a Subordinate

Judge. I have no statistics before me but I think it could probably be proved that at least one half of the Small Causes tried in any one year were within the cognizance of a District Munsif i.e. below 50 Rupees in value and I am strongly of opinion that money suits above 50 Rupees in value should when practicable be tried as regular suits.

4. From the Statement which accompanies the Government Proceedings it is evident that the most important work which devolves on the Subordinate Judge at Cochin is the magisterial work. Cochin certainly requires a first class Magistrate and should as heretofore form a Division of the District. I would however suggest that the officer stationed there be in future styled Deputy instead of Joint Magistrate. An experienced Magistrate is necessary as the people of Cochin are a turbulent race and unless some firmness is shown in dealing with them, British Cochin might easily become a refuge for the worst characters in native Cochin - Again the European merchants of Cochin, if consulted, would I am sure strongly urge the desirability of having a European Magistrate.

who was also a justice of the Peace.
My own impression is that a
European Deputy Collector & Magistrate
should be stationed at Cochin and
that he should be invested with the
ordinary powers of a District Magistrate.
This plan would set free a subordinate
Judge ~~for work~~ of a more legitimate
character and would leave the
Government ^{at liberty} to select a Deputy Collector
of whatever class was available.

I have the honor to be

Yours most obedient servant

W. Digram

A District Judge

Malabar

Ms. A. 12. 20. 9 22-5-00

8. 10. 12

29 Ind. Dept 9^P

Read the following papers:-

✓ From Subordinate Judge of Cochin
5/6-4-0 - No 65

✓ No xx (Ind. Minute of 23-4-0
not to govt - but printed of
course in the Prop)

✓ G.O. 29/4-0 - No 1024

✓ From Secy. to Judge Malabar
5/3-5-0. No 1117

✓ From Secy. J. Malabar
5/13-5-0. No 1662.

Order of 27th May 1900 No 1228

The foregoing papers will be furnished to
the Honble the Judge of the H. Ct., who will
be requested to ^{give} ~~submit~~ his opinion
thereon on the proposal made by Govt. & accepted
generally by the local authorities - regarding the attempts
to be made for the judicial & magisterial work
at Cochin, on the approaching retirement of
Mr. Williams.

2. The proposal in effect is that Mr. Williams' place
shall be a 2nd class Subordinate Judge,
retaining his magisterial work, but to be relieved
of his duties of inspection of Shipping.

To Secy. 17
with covering letter to Chf. Secy. 30
Desp. 246
25.1.20/50.

(1880) DEPARTMENT.
Sub. Judge. Cochin
From
The District Judge
Malabar
No. Calicut

82210245

Dated 13. May/80.
Received 18.

No. 1662

Agreeing with
the fact that there
is no necessity for the
retention of a Subordinate
Judge on Rs 500 per
month, at Cochin.

Ind. Secy.

125

c18/5

1322

1322

to Chief Justice

of the

Supreme Court

of the United States

Washington, D.C.

Dear Sir:

I have the honor to

acknowledge the receipt

of your letter of the

10th inst.

and in reply to inform

you that the same has

been forwarded to the

proper authorities for

their consideration.

I am, Sir, very

respectfully,

Yours,

Very truly,

John F. Kennedy

President of the United States

White House, Washington, D.C.

1322

1575

121/5

6

11. of {1880} Madras.

✓
Jrd E
✱

G.O. 12th May 1880, No. 1228

Nos. 121-126

Cochin Sub-fort. The
High Court requested to
give their opinion on
the proposal made by
Govt regarding the arrange-
ments to be made
for the ^{execution of} Jrd & May 16
work at Cochin on the
retirement of Mr Wilkins,
an Subordinate Judge
of the District.

Copy forwarded to
the District Judge on which
report will be submitted.

62
11