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MADRAS RECORD OFFICE.**Government of Madras.***Public Works* **DEPARTMENT.**

G.O. No. 3637

316-317

Press
Mis.

Dated 15-11-1866.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
15th November 1866.*

No. 316. Read the following Proceedings of the Madras Government in the
Judicial Department:—

Calling for Plans and Estimates for the construc- } (Here enter 8th November 1866, No. 1,773.)
tion of a Court House at Tanjore.

No 317. ORDER THEREON, 15th November 1866, No. 3,639.

CIVIL WORKS, No. 68.

* Rupees 48,570.

. Communicated to the Superintend-
ing Engineer of the 6th Division for
early report on the sufficiency or other
wise of the estimate* for a Court House
at Tanjore, which was sanctioned by Government in the Order of the 15th December
1863, No. 3,707.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 6th Division.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Judicial Department,

8th November 1866.

Read the following papers:—

No. 108. From R. DAVIDSON, Esq., Acting Civil and Session Judge of Tanjore, to the Chief Secretary to Government, Fort Saint George; dated Tanjore, 19th September 1866, No. 479.

I have the honor to submit the following remarks for the information of His Excellency the Governor in Council, with reference to the Proceedings of Government, dated 15th August 1866, No. 1264, which reached me on the 25th ultimo, on the re-opening of my Court after the recess.

2. On the transfer of the Courts from Combaconum to Tanjore in 1862, Government, in Proceedings dated 23rd September 1862, No. 1571, directed that, as there was no other suitable public or private accommodation available, the former Tanjore Residency and out-buildings should be "appropriated as the location of the Zillah and the Principal Sudder Ameen's Courts," the Civil Judge "being allowed to occupy the upper storey of the Residency at a moderate rate, for a period not exceeding twelve months, within which time he must find accommodation for himself elsewhere," "the Collector being permitted to rent the terrace bungalow for his own use." The District Engineer was required to fix the rents to be paid, which he did at the rate of Rupees 90 per mensem for the portions of the Residency used for public purposes, and of Rupees 50 per mensem for the upper storey used as a private residence by the Judge, and this arrangement has continued up to the present time.

3. Mr. Bird, the Civil and Session Judge, having, by letter No. 595, dated 15th July 1863, represented that "the rooms on the upper storey (which consist of one dining room, one bed room, and two enclosed verandahs, dressing and bath rooms) were only approachable from below, conveniently, through the drawing room; that without the drawing room the upper apartments were scarcely habitable, and that the drawing room was not required for the use of the Civil Court," induced Government to pass Proceedings No. 1211, dated 28th July 1863, acceding to his request to be allowed to include the drawing room among the apartments rented to the Civil Judge as his private residence.

4. A quotation from Mr. Morris, the Collector's letter, (without number) dated the 16th August 1862, with reference to the Proceedings of Government, No. 1273, dated the 9th idem, will, I think, remove all doubt as to the necessity that existed at the time, for permitting the Judge to occupy a portion of the Residency as a private dwelling. Mr. Morris remarks—"There is very little house accommodation at Tanjore, and I am sure the Government do not desire a dignified official, of high rank like the Civil and Session Judge, to be compelled to live in a small and wretched place, which is what he will be obliged to do if the Residency is taken away." Not only did Government at once recognise the necessity, but, as shown above, permission was given for the Judge to include the drawing room down stairs among the apartments which he privately rented, as it was not required for the Civil Court.

5. More than this, the Government on the 27th June 1863 passed Proceedings No. 179, directing the immediate preparation, by the Department of Public Works, of plans and estimates for the construction of a new Court House, to accommodate the Civil and Session Judge and two Principal Sudder Ameen's, provision being

made for the additional accommodation of the Court of Small Causes, and one or both of the District Moonsiffs now occupying Mr. Ram's bungalow, at a monthly cost to Government of Rupees 60, should the Civil and Session Judge think it advisable; and I learn from the Superintending Engineer of the Division that the original plan is in the Government office, Public Works Department, at Madras; "that the estimate which amounts to Rupees 48,570 was sanctioned for entry in "the Budget of 1864-65 and has appeared in every Budget since, but no appropriation of funds has been made for it."

6. I beg respectfully to observe, that the same urgency that existed during the four years my confirmed predecessors were in the occupancy of a portion of the Residency, exists still. Immediately after receipt of the Proceedings of Government under acknowledgment, I advertised in the *District Gazette* for a house to rent, and I also made every possible private inquiry, and the result is that not a house of any sort or description whatever is available for a private residence. The only house that has been built lately in Tanjore is a small and confined bungalow, answering well to the description of house, which Mr. Morris gave it as his opinion, Government would not wish to see a Judge residing in; it was, moreover, engaged as a Police office prior to the receipt by me of the Proceedings under reply, and is used as such now. One Native, in answer to my advertisement, has offered to build a house, provided I guarantee him, on behalf of myself and succeeding Judges, twelve per cent. on whatever sum he may lay out; but as I am merely a *locum tenens* at present, we could not come to terms.

7. Here I beg to remark, that the ground originally urged in 1862, for desiring the Judge to vacate the upper storey, was to provide greater accommodation for the reception of records. I scarcely think the upper apartments could be turned to advantageous account for that purpose, were they required for it, except at a heavy outlay in securing the whole of the premises against robbers, as required by the Proceedings of Government, dated 18th March 1864, No. 393. They were, however, clearly not required for that purpose three years ago; otherwise, the drawing room would not have been given over to the Judge at a time when the records were ten times more voluminous than they are at present, as, owing to the destruction of many tons of records in the interim, under instructions conveyed in the High Court's Proceedings, 18th February 1865, the space available for the reception of records is greatly in excess of that required.

8. So far as my information and experience go, the great public inconvenience felt, is want of sufficient and suitable accommodation in the Court House itself below (formerly the dining room of the Residency); but inasmuch as the upper storey, besides being smaller, is unsuited for the requirements of the Civil Court House, the removal of the Judge from it would not improve matters below in the least. It may be that exception is taken to the Judge's private residence being in such close proximity to the Court; but in the event of Mr. Bird's suggestion to Mr. Innes being adopted, that the additional Moonsiff's Court at Tanjore should be abolished, this could be easily remedied at once without any additional expense to Government, by the transference of the Principal Sudder Ameen's Court, from the building now occupied within the Residency compound, to the premises in Mr. Ram's house in Tanjore, where the additional Moonsiff's Court is located, the Tanjore Moonsiff being continued in the occupancy of the other portion of the building

as at present. The bungalow now occupied by the Principal Sudder Ameen is nearly a hundred yards, I should say, apart from the Residency, and is altogether a better and more commodious building than the apartment of the Residency now occupied by the Civil Court.

9. As I presume it is not the intention of Government permanently to abandon the idea of building Courts of Justice, suitable to the requirements of so large and prosperous a town as Tanjore, which is situated in a District yielding a revenue of upwards of half a million sterling per annum, I avail myself of this opportunity to point out the increasing expense to Government, occasioned by the delay in building. The house rent paid for the Civil Court for the last four years, at Rupees 90 per mensem, amounts to Rupees 4320. That for Mr. Ram's house, occupied by the Moonsiff and additional Moonsiff for the same period, at Rupees 60 per mensem, amounts to Rupees 2880, total Rupees 7200, add what will certainly have to be paid for both next year, before a new Court to receive all could be built, Rupees 1800, making a total of Rupees 9000, or more than one-fifth of the original estimate for a new building, spent in house rent alone.

10. I trust I have said enough to satisfy His Excellency that the Judge's protracted residence in the upper storey of the Residency has been owing to necessity, and not from choice, and I look with confidence, therefore, to having the same consideration extended to me, that has been shown to my predecessors; but should His Excellency, notwithstanding that the full difficulty of my situation has been explained, still adhere to his determination to cause the occupation of any part of the Residency absolutely to cease before the end of the present Calendar year, then I have no option but to solicit permission to reside at Trichinopoly. This arrangement would undoubtedly cause much public and private inconvenience, especially during the Session, when it would be hard on the witnesses to close the Court at 4 p. m., to enable me to return by the afternoon train to Trichinopoly, and it would entail on Government the additional expense of paying Rupees 600 a year, more, for the upper storey; but I see no help for it, unless indeed there be good foundation for the general expectation, that His Excellency will pay this part of the country a visit during the approaching cold weather, in which case I would beg to suggest that the matter be left in abeyance till then, when the whole question might, I think, be decided with advantage, on the spot.

No. 109. From the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Secretary to Government, Fort Saint George; dated Madras, 31st October 1866, No. 62.

"In reply to the Chief Secretary's letter of the 17th instant, No. 1642, I am directed to state that, in the opinion of the Judges of the High Court, the Court of the additional Moonsiff of Tanjore cannot at present be spared, and some time must, in all probability, elapse before it will be possible to abolish it.

No. 110. ORDER THEREON, 8th November 1866, No. 1773.
The Government observe that in their Order of the 23rd September 1862, No. 1571, they distinctly stated that the Judge would be "allowed to occupy the upper storey of the Residency at a moderate rent for a period not exceeding 12

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8th November 1866.*

months, within which he must find accommodation for himself elsewhere." More than four years have elapsed since that order was issued, and the Judge still resides in the Court House.

2. The arrangement is altogether an objectionable one.

3. As, however, Mr. Davidson is only acting in the appointment, the Government will not require him to vacate the premises; but considering the additional accommodation which has been placed at the Judge's disposal since the rent was fixed at Rupees 50 per mensem, they resolve to require him in future to pay one-half of the rental of the entire building.

4. Plans and estimates will be called for, in the Department Public Works, for the construction of a Court House at Tanjore. These appear to have been prepared in 1863, but will probably require revision.

5. Should circumstances prevent or delay the construction of the Court, the Judge on his return will be allowed six months, within which he must provide accommodation for him elsewhere and vacate the premises. Mr. Davidson's idea of the Judge being allowed to live at Trichinopoly, cannot for a moment be entertained.

(True Extract).

Solum

Secretary to Government.

To the Honorable the Judges of the High Court.

„ Acting Civil Judge of Tanjore.
 „ Public Works Department.
 „ Accountant General.
 „ Collector of Tanjore.

Exd. J. Tulloch.

To W 1866 Depd
Pro. of Govt for November
No 4603

Pro. of the Madras Govt
in the Judicial Dept

Of 8" } Nov/66
Per 13" }

1443

1443

Calling for plans
and estimates for the
construction of a Court
House at Tanjore.

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no. 3629. 15th Nov. 1866