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- (1) பக்கங்களின் எண்ணிக்கை _____
(2) புதுக்கித் திருப்பிய நாள் _____
(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

POLITICAL துறை

அரசாணை எண்.
மு. கோப்புத் தாள் எண்.

அச்சகம்
பலவகை

ஏ. 0. 19

நாள் : 10 - 1 - 1895

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தொடர்பு கையாளவோ கூடாது.

$$\frac{19}{2}$$

G.O., No. 19

DATED 10th January 1875

INDEXED.

CHIEF JUDGE, PUDUKKÓTTAI

பெருபவர் பெயர்
அ. உன்

செப்பனிருவதற்காக எடுத்திக்
கொள்ளப்பட்ட நாள் 12/07

செப்பனட்டு முடித்து நாள் 1/08

சுபார்க்கும்	ஆராய்ச்சி உதவி
முனைப்பா. ஏ.	யாளர் *
கையொப்பம்	கையொப்பம் *

BACK PAPERS.

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

FURTHER PAPERS.

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Govt. of {1895} Madras. POLITICAL.

Issued

Recd.

Encl.

G.O., 10th Jan. 1895, No. 19.

JANUARY.

Chief Judge, Pudukkottai.

Directing that the services of Mr. A. F. Elliot, First-grade District Munsif, be placed at the disposal of the Pudukkottai State for a period of two years, in view to his appointment as —.

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10TH JANUARY 1895, No. 19, POLITICAL.

GOVERNMENT OF MADRAS.
POLITICAL DEPARTMENT.

READ—the following papers :—

From the Political Agent for Pudukkóttai, dated 14th November 1894, No. 34-O—1865.

Telegram from the Chief Secretary to Government, to the Political Agent, Pudukkóttai, dated 7th December 1894.

625. Your letter 34-O—1865, fourteenth ultimo! First-grade District Munsif Elliot, pay Rs. 400, accepts appointment Chief Judge, Pudukkóttai, on Rs. 400 per mensem, State paying pensionary contribution addition salary. Services can be lent for two years. Sanction Government India necessary under Article 806, Civil Service Regulations. Please ascertain if Raja agrees to appointment.

From J. ANDREW, Esq., Political Agent for Pudukkóttai, to the Chief Secretary to Government, dated Trichinopoly, 13th December 1894, No. 34-O—2038.

In reply to your telegram, No. 625, dated 7th instant, I have the honour to inform you that His Highness the Raja fully approves of Mr. Elliot's appointment "provided he speaks Tamil" which is the language of the Chief Court. All proceedings, pleadings, judgments, &c., are in that language, a knowledge of which is therefore indispensable.

Telegram from the Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Foreign Department, Calcutta, dated 18th December 1894.

637. With reference Article 80 ii, Civil Service Regulations, early sanction Government India requested transfer of two years First-grade District Munsif Elliot's services as Chief Judge, Pudukkóttai, on Rs. 400 per mensem, State paying pensionary contribution in addition salary. Elliot has more than ten years' qualifying service. Pudukkóttai Chief Court requires thorough reform.

Telegram from the Secretary to the Government of India, Foreign Department, Calcutta, to the Chief Secretary to the Government of Madras, dated 5th January 1895.

18 G. Your telegram 637 of 18th December. Elliot's transfer no objection.

ORDER—dated 10th January 1895, No. 19, Political.

The Honorable the Judges of the High Court having intimated their willingness to permit Mr. A. F. Elliot, First-grade District Munsif, to accept the appointment of Chief Judge, Pudukkóttai, and the Government of India having sanctioned his

10TH JANUARY 1895, No. 19, POLITICAL.

transfer to foreign service, his services will be placed at the disposal of the Pudukkottai State for a period of two years. Mr. Elliot's salary will be Rs. 400 per mensem, the Pudukkottai State paying in addition the usual pensionary contribution.

2. The Honorable the Judges of the High Court will be requested to instruct Mr. Elliot to report himself at a very early date to the Political Agent, Pudukkottai.

(True Extract.)

Ag. Chief Secretary.

To the Honorable the Chief Justice (with C.L.).
 " Political Agent, Pudukkottai.
 " Accountant-General.

1894

Department

FROM

James Andrew Esq.
The Political Agentfor Pudukota,
Trichinopoly.

To

The Chief Secretary to Government,
Political Department,
MADRAS.

Dated 14

Despd 14

Recd 15

Regd 15

No.

34-6
1865

Enclosure

7 with list

Subject

Chief Const Pudukkottai

Reporting on the
Scandals of the _____ and
requesting orders thereon.

Received at 10/1/95
 in accordance with the
 order of the
 10/1/95

Honourably

80.196: 28.4.89 min Pk

1538

P. A. Esq.

19/5

No. $\frac{34-0}{1005}$

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OFFICE OF THE
POLITICAL AGENT FOR PUDUKOTA,

Trichinopoly, 5th July 1894.

From

James Andrew Esquire.

POLITICAL AGENT FOR PUDUKOTA,

TRICHINOPOLY.

To

THE Diwan - Regent

Pudukkottai.

SIR,

I have the honor to request that you will be so good as to let me know when I may expect your report on the alleged Chief Court Scandal. I must point out to you that the first reference was made to you so far back as last September 1893, i.e. 11 months ago, and I cannot but regard it as a matter to be most deeply regretted that an important matter of this sort should be left by you undisposed of in this manner month after month. In the event of my having to submit a report to Govt on the subject, it will be most unsatisfactory to have to state that it took so many months for you to reply to the frequent references. I must therefore beg of you to let me know within how many days I

x
Pol. Agent to Diwan
Regent. 1310.
7.9.93.

I may expect your report, & I must request
you to send it without further delay. I am
terly at a loss to account for the enormous
delay that has already taken place, & I must
again request you to report without further
delay.

I have etc.

(Signed) J. Andrew.

(True copy)

Respectfully

Political Agent.

Mos

Enclosure I

To letter no. $\frac{34-0}{1865}$ dated 14.
Nov-94 from Pol. Agent
Dundukottai to Chief Secy.
& Govt Pol. Dept. & addrs

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Political Agent's

Letter no. $\frac{34-0}{1005}$ dated 5th July 94

POH

1538

N^o. 154 - 0.

Divan's office - Rudukhotli

To.

17th August 1894 -

Despatched 18th

James Andrew Esquire

Political Agent for Rudukhotli

Sir,

I have the honor to submit the report called for in the correspondence noted in the margin, regarding disagreement among the judges of the Chief Court which arose in the year 1893.

2. A precis of the several representations of the Chief judge and the answers to them by the 2nd & 3rd judges is appended. The originals are also submitted herewith as per list.
3. The imputation of a spirit of combination on the part of the Second & Third judges to reverse his (Chief judge's) decisions is based by the Chief judge first on the statistical fact of the increased number of reversals of his original decisions by the appeal bench consisting of the Second and Third judges - Secondly on the evidence of isolated cases and occurrences.
4. All these are so fully met & explained by the Second and Third judges that I think it - Superfluous for me to go over the same ground

The Second and third judges asked me to use the Chief judge's judgments themselves which were reversed by them. I did so during the last vacation in May last.

For my own satisfaction I glanced over 101 judgments of the Chief judge - 100 of the Second judge & 63 of the 3rd judge of the year 1891.

I then glanced over with some greater attention a number of cases picked up at random - "decided on merits" by the three judges in the last 2 years 1892 & 1893. Such cases obviously needed greater attention and more elaborate treatment at the hands of the judges than those decided on admission, on arbitration, on oath, & ex-parte.

The decided impression left on my mind was that while as a general rule the judgments of the 2nd & 3rd judges were well & carefully drawn up as required by the Procedure Code, those of the Chief were drawn up hurriedly, imperfectly, without stating grounds, & in some cases so brief to be intelligible or consists only of a single line "judgment for plaintiff".

9. I also noted that while the 2nd & 3rd judges wrote their judgments with their own hand, the Chief judge allowed his to be written by the clerk, except in a few cases. The 2nd judge sometimes, probably when his health was bad, permitted the clerk to write out the pleadings. The 3rd judge almost invariably wrote his judgments entirely himself.

10. I have already said that I perused with particular attention the judgments reversed & I must say that the Second & 3rd judges had only too good grounds to reverse them & that their observations on the general poverty of the judgments of the Chief & of the extreme paucity of arguments which characterize them are only too well-founded. In this connection I may refer to enclosure N^o VIII - Precis of 2nd & 3rd judge's D^{os} pointing out in detail the defects & irregularities in 8 of the Chief judge's original judgments.

11. As to the particular case adduced in evidence by the Chief judge in which the 2nd judge is represented to have altered his

first judgment two months after date
with a view to suit it to that of the 3rd,
I consider that the high authorities quoted
by the 2nd judge is a full justification
for his proceeding.

12. I therefore arrive at the conclusion
that the charge of combination is utterly
ungrounded & such a serious imputation
should not have been made by the Chief
Judge against his colleagues, on the mere
fact of a large number of his original
decisions having been reversed by them
in appeal.

13. Another occurrence which is reported
by the Chief as a proof of combination to
upset his proceedings is that of a peon —
a process server whose prosecution was
ordered by the Chief — but which order was
reversed by the 2nd & 3rd judges when
the proceedings came up before them
for revision. This involves a question of
procedure law which I cannot well
decide. But I don't think a case of 'animus'
can be made out of this.

14. Regarding the legal effect of 'Cowles'

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'Cowles' granted on the presumption of the
Western Palace jaghir, the 2nd & 3rd judges
consider that the dictum of the Durum-Regent
has not been traversed at all by their
judgments. They are probably right, &
I have now decided that their opinion
should prevail.

15. As regards the granting by the 2nd
judge of a certificate of good conduct to
Vakil Mahadeva Sastri who had been
disbarred, no doubt the 2nd judge —
had fallen into an error which he
seems to have readily perceived & corrected
& atoned for by withdrawing the certificate.
The Chief Judge's contention is that having
been presented in open court it ought
to have been treated as publicly presented
& brought on the file. The 2nd judge states
that from its very nature it was not
a judicial paper connected with the
court. I am not inclined to attach so
much importance to the incident.

16. One other matter brought forward
by the Chief Judge against the 2nd is the
adjournment of a very large number

number of cases between September and December 1892. The 2nd judge explains that the reasons for ^{the} adjournment have been recorded in the notes of hearing & at midday naps in Court on some days were necessitated by ill-health caused by boils.

The circumstance of the second & third judges taking on themselves to punish a clerk & an amin which is brought forward by the chief judge as an unjustifiable interference with his right of his position as sole executive authority of the court, is a trivial one. A mere clerical error had been committed in drawing certain notices of sale & the clerk & the amin who were responsible for the error were ordered by the 2nd & 3rd judges whom it was reported, to pay the cost of a fresh notice. It was, however, a litary case. The chief judge seems to have been influenced by the circumstance that one of the servants — an amin — so punished was 'a relative'

relative of the 2nd judge while in point of fact he was no relative at all. The chief judge while retracting the error made the thing worse by saying that he was the 2nd judge's man. It was hardly dignified to make an imputation of the kind against a colleague on the bench.

18. Another case has been brought to notice by the chief judge in which in his opinion the 3rd judge acted illegally in examining only a few, & refusing to examine the remaining witnesses, & that when this matter came on in appeal the 2nd judge differed from the chief & considered that there was no rule or provision in the procedure code which made it compulsory on a judge to examine all the witnesses cited in a case. The 3rd judge explains that the examination of the other witnesses was not pressed by the Vakil, or he would have examined them also. In the circumstances of the case I do not consider that the 3rd judge acted contrary to any rule or law, if he was satisfied that the evidence he had

had gone into was sufficient to elicit the merits of the case.

19. Another incident reported by the Chief Judge which I think ought to be noticed before concluding this report is the so-called misbehaviour of the 2nd Judge when sitting on the appellate bench with the Chief. I think both the Judge's version of what actually took place may be accepted as correct in the main. Their representations are therefore reproduced verbatim in the précis. I cannot too much regret the loss of temper & the want of a sense of dignity & want of courtesy which evidently seem to have been displayed on the occasion. It is the occurrence of this scene in open court which seems to have produced the wide spread impression that the relations between the Chief and the 2nd Judge were so bad that a fair hearing was not to be had before a bench consisting of them.

20. In the light of the facts & occurrences now disclosed, the Chief Court cannot be said to be in a healthy condition. In the attitude which the Chief Judge has assumed

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assumed towards his colleagues, & in the strong feeling of mutual hatred (if not contempt) into which things which were only differences of opinion between him & his colleagues at first, have been allowed to culminate & in the systematic disregard of the requirements of the procedure Code in spite of its being repeatedly pointed out by the appellate bench consisting of his colleagues, I see little prospect of improvement in that condition which no body regrets more than myself. A drastic remedy seems inevitable, & in deciding on what it shall be, I shall be guided by your valuable advice.

I have &c.

(Signed) A. Sashank Sastri

Deputy-Regent.

(True copy).

~~Discontinued~~

Political Agent.

Mus

Enclosure No. II

To Letter No. 34-0 dated 14th
1865
November 94 from Pol Agent
for Pudukkottai & the Chief
Secretary & Govt. Pol. Dept.
Madras.

Dewan Regent's
Letter No. 154-0 dated 17th
August 94

OFFICE OF THE
POLITICAL AGENT FOR PUDUKOTA,

No. 34-0
1707

Trichinopoly, 20th October 1894.

From

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James Andrew Esquire.

POLITICAL AGENT FOR PUDUKOTA,

TRICHINOPOLY.

To

THE Dewan Regent
Pudukkottai

SIR,

I have the honor to acknowledge receipt of your letter No. 154-0 dated 17th August 94, together with all the enclosures as per list that accompanied, reporting on the disagreements among the Judges of the Chief Court.

2. I have carefully perused and considered the papers, as well as some others also mentioned in the list which will accompany this letter. I also looked into some of the Registers and Records when at Pudukkottai last month, and I have had interviews with all the Judges. The Chief Judge expresses a wish for another interview, but

I consider unnecessary, as the materials before me - with the recollection of the interviews I have had - are sufficient to enable me to decide as to the nature of the reply which I should make to you.

I regret to say that I feel obliged to concur with you generally in your opinion that the Chief Justice cannot be said to be in a healthy condition, "and that a drastic remedy seems inevitable."

I shall deal briefly here with some of the specific charges made by the Chief Judge against his colleagues.

2) The Peon's case; Whether or not the 2nd and 3rd Judges were legally empowered to set aside the order of the Chief Judge is a matter open to argument. If the order of the Chief Judge was in effect, ^{though not in words} an order passed - though erroneously - under sec. 195 C.C.B., then I consider that the other Judges in Revision were ^{not} to set aside the order as

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as improper. If it was not in effect though not in words, an order under under sec 195 C.C.B., but simply a ministerial order of the Chief Judge, then I think the other Judges would not in Revision have had authority to set aside the order any more than they would have authority to prohibit any private prosecution. It is true that sec 225 A ^{I.R.C.} ~~sec~~ does not come within the purview of sec 195 C.C.B., but it may be that the 2nd and 3rd Judges thought that the Chief Judge erroneously thought that it did, and therefore passed his order under sec. 195 C.C.B. It is unfortunate that the Chief Judge did not in his order make it perfectly clear what he intended. If he did not intend his order to be an order under sec. 195 C.C.B., it is not clear what need there was for him to take evidence, - reserve his judgment, and then "sanction or consent to" (aramahi) the prosecution of the peon by another person. To such consent

useful would have any legal force -
it would not give or take away
a right of such third person to
prosecute. On the other hand the
offence being one against the Court,
a proper ^{course} ~~cause~~ would apparently have
been for the Chief Judge to have himself
ordered the prosecution by some subordinate.
There was an ambiguity about the whole
procedure - as to whether he was acting
under sec 195 or not - which may fairly
have led the other Judges to the
impression that the order was passed under
sec 195 C.B. Whether they were, in fact,
satisfied in setting aside the Chief Judge's
order or not is a matter on which much
may be said on both sides ^{but} ~~the~~ ^{his} ~~their~~
doubt was not such as to lay them
open to the charge of having been
motivated by improper motives.

The amin's case:- I think the
Chief Judge is not justified in
putting improper motives in this
case, and I cannot say that I
consider that the conduct of the
Juges merits the least censure. The

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Chief Judge should have refrained from
imputing favouritism to the 2^d Judge with
respect to his (2^d Judge's) "relative" or "protégé"

(c) The couple case:- This again is a
matter open to argument, and whether the
views of the 2^d and 3^d Judges would or
would not be upheld by the ablest
lawyers, it must at least be said that
they adduced good arguments in favor
of their views, and they were not guilty
of misconduct.

(d) Midday raps and adjournments of the 2^d Judge

The Chief Judge was rather reckless
in his charges on this head, though
the 2^d Judge certainly seems to have
laid himself open to censure.

(e) Non examination of witnesses by the

3^d Judge:- I do not consider that the
3^d Judge laid himself open to censure.

If in any case a Judge errs in not
examining all the witnesses cited, a remedy
lies in appeal or Revision. The omission
to examine - does not necessarily involve
censure. Each Judge must exercise his
discretion.

(f) Scene in court:- Knowing the strained
relations

claims that existed between the 2 Judges
is not easy to apportion blame exactly.
sitting in mind the 2nd Judge's action in
Mahadeva Sastri's case, I think it not
likely that he did give the
Chief Judge cause for irritation,
that the Chief Judge also did
not control his temper as he should
have done. This scene in open court
between the two highest Judges, before
bar & public aware of the ill feeling
that existed between the Judges, was
discreditable.

1. The Chief Judge's action in asking
Valkeel for a list of cases in which his
decisions were set aside &c was exceedingly
prehensible, as it was tantamount to
submitting before the bar, and hence before
the public, that Justice was not impartially
administered. He could quite well have obtained
information from the official staff.
Mahadeva Sastri's case:- I consider
that the 2nd Judge is deserving of the
most severe censure for his improper action
having written and read out the certificate
in the Bench in open court. He was
aware

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aware of the proposed dismissal of
this Valkeel on the recommendation of the
Chief Judge; he knew of the enmity
existing between him and the Chief
Judge, and he cannot but have known
that by going out of his way, not only to
grant a certificate from the Bench, but
to actually read it from the Bench, would
be taken by the bar and the public at
large as an indication of open hostility
to his Chief. If he thought that the
Valkeel was not guilty of conduct meriting
dismissal, it was open to him to have
represented the matter to the Dewan Regent
with whom lay the power of granting
and withdrawing sumats. I regard his proceeding
about this act not having been a judicial
act &c as puerile, and in expressing my
opinion that his conduct merits the severest
censure, I am forced to admit that he
afforded the Chief Judge reasons for
apprehending that he (2nd Judge) would not
deal impartially in disposing of appeals
from the decision of the Chief Judge.

Charge of Combination:-

5. I now come to the question of
combination - In disposing of this

charge, it is necessary to consider 2 questions
(1) is the charge of combination proved:
if not proved, had the Chief Judge
grounds for suspecting combination sufficient
to justify ^{him} in making such a grave
charge against his colleagues. I
have considered all the papers carefully,
and without professing to be a competent
Judge of the judgments of lawyers I
am obliged to come to the same general
conclusion as yourself, viz. that
the charge of combination has
not been substantiated, and that
the Chief Judge laid himself open
to severe criticism ^{was} by the very inadequate
judgments he habitually wrote. As
to whether or not he had fair grounds
for suspecting combination it is
not so easy to decide, for the action
of the 2nd Judge with regard to
Mahadeva Sastri's case and with
regard to appeals nos. 98 and 108 of 1891
of which ^{supra}... ^{see}... coupled with
the undoubted enmity, may not unreasonably
have made him suspect the ^{good faith} ~~honesty~~
of the 2nd Judge. He also had suspicions

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(but only suspicions - he adduces no proof) that
the petitions against him by the
Vallabhs was got up by the other Judges.
But to suspect is one thing, and to make
an assertion as he did is another,
and in the many reversals of his
judgments, in the hostile criticisms to
which they were exposed at the
hands of the 2nd & 3rd Judges, I can
find nothing to justify his charge
of combination. The 3rd Judge
especially ^{has} not laid himself open
to such a charge. Nor ~~has~~ the reversals
of his judgments so very many. —
Judgments of the other Judges have
also been reversed, ^{as} will be seen
from one of the enclosed statements.
6 Appeal nos. 98 and 108 of 89. — I
cannot but regard as most unsatisfactory
the conduct of the 2nd Judge in writing
what I must call his judgments, and
then calling them after an interval
of one or two months. The code is
clear that a judgment must be written
signed and dated by the Judge, and that
after that is done no alteration can
be

made affecting any material position.
I have not the Civil Procedure Code
to hand for reference, but ^{my} recollections
of the sections make it clear to me that
the code does not contemplate such
an action as that of the 2nd Judge,
in writing signing and dating his
judgment confirming the decision of
the Lower Court, handing it over to the appeal
court, allowing it to be entered as disposed
of in the appeal Register, and then
after a long interval writing a judgment
~~reversing that of the Lower Court.~~
~~cancelling the previous one.~~ I consider
that the final judgment was not, as is
contended by the 2nd & 3rd Judges, a mere
"opinion", but a judgment. In my
opinion there can be ^{only} one "judgment"
of an appellate court, and when the
appeal judgments differ, the "judgment"
of the court is the document which
has been acted on, and on which the
decision is based. In other words,
the 2nd Judge having written a judgment
confirming the Lower Court's decision,
that judgment became operative whatever
may have been the opinion of the other
Judge

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Judge, and what the 3rd Judge wrote was
not the "judgment" of the court at all,
but only the record in which he dissented
from the judgment of the court. The
authorities quoted by the 2nd and 3rd Judges
do not appear to me to be of much weight,
as the Civil Procedure Code was not in
force when the Calcutta judgments were
pronounced, and it ^{has} never been made
applicable to the courts in England. The
judgment in each case having been
written as a judgment, and having
been signed (not initialled) and dated,
and having left his hands and gone
into the Records, and having been even
entered as decided in the Appeal
Register, I do not think that the
2nd Judge is legally empowered to cancel
it. This is a legal question of great
importance, and I could wish that
some decision deciding the matter
were quoted from one or other of the
High Courts, and I think it would
be well if the matter could be
brought up in Revision (if the rules
and law allow such a course) for full
argument, and if - as I think - these
orders

dos of the appellate court were illegal,
one of the parties in each case must
be suffering from an illegal decision.
In connection with this I may further
say that this difficulty would not
have arisen if the 2^d & 3^d Judges had not
so deliberately violated the plain
provision of law that a judgment
must be pronounced in open court at
the time of signing it. These are
not the only instances in which the
Judges of the Chief Court (including
the Chief Judge) - which should set
an example in the way of correct
procedure, ^{to be} imitated by the subordinate
courts, - have repeatedly disobeyed this
plain and imperative provision of Law.

7. As stated above, the legality
or otherwise of appeal judgments
is a matter open to argument, and
one of great gravity. But even if it
should be held (and I do not think it
would) that the revised judgment were
valid, the 2^d Judge cannot be exonerated
from blame in having acted in the
extraordinary way he did. Assuming

19/9 his perfect good faith, his action
in these 2 cases, and in several other
instances which have come to notice
in these papers, shows that he is either
an impulsive hasty man who rushes
to judicial conclusions without patiently
considering the law and the facts
from all points ^{of view}, or else that he is
of an unstable and fickle disposition,
who cannot make up his own mind, but who
having decided in one way one day
will be talked over and ^{made} to change his
mind the next day. To whichever way it is,
I need scarcely say that such a tempera-
ment is most undesirable in a Judge,
and if this were widely known, it
could not but create an unfavourable
opinion in the minds of the public
as to the administration of justice.
Considering too the ill feeling between
the Judges, and the publicity given
to their quarrels, and the "scene" in court,
it would not be a matter of surprise
if the public, on hearing of the
extraordinary cancelling of the judgments
(reversing the decision of the hostile
Judge after a confirmation) in the
above

suits were to come to the conclusion that such cancellments were in consequence of enmity. Nor can I wonder at the Chief Judge having a similar suspicion.

8. I shall now offer some general remarks. I agree with you that the judgments of the Chief Judge are generally unsatisfactory - altogether too brief, and in many cases they say little or nothing as to the nature of the case, the points for determination, the facts given in evidence or the reasons for the decision. In several instances the Chief Judge replies to the criticisms of the 2nd and 3rd Judges by saying that what they took for judgments were only hearing notes, he having forgotten to write judgments, and the clerk having failed to bring the omission to his notice. If this were so, it would show considerable carelessness on his part, but not much more. When at Durrkottai I looked into the matters a little to see if these instances of forgetting to write judgments were altogether exceptional, and I ~~was~~ ^{then} glad to find that I may say that the Chief Judge in an immense number of cases wrote nothing but hearing notes and ~~then~~ ^{these} too were almost invariably only initialed. So that if such hearing notes are looked on as only "notes" (as contended by him in the appeal cases above alluded to), then we are face to face with the extraordinary fact that in a very large number of cases, - perhaps the majority, - he never gave judgments at all. If on the other hand we regard them as "judgments", then we have to face the fact that not only, are they to a very great extent incomplete in the manner above indicated, but they were never signed as imperatively required by the Civil Procedure code, - for initialling is not signing.

9/2 9. Such a state of things reflects the greatest discredit on the Chief Court, and in this discredit the other two judges must share though to a less extent, for their judgments were much fuller and clearer, - especially those of the 3rd judge - and their hearing notes - were more frequently signed. Moreover most of the blame must attach to the Chief Judge whose duty it was to see that judgments were properly written by his colleagues as well as by himself. The 3rd judge also only joined. The Court last of all, and merely followed the existing practice.

10. In connection with this, I notice how some of the judges (the 3rd at least I think) speak of "rough judgments". There is no such thing as a "rough judgment" if by that is meant something distinct from the judgment itself. There can be but one judgment. This expression is however but an indication of the most irregular practice which has become common to all - viz, the judges ordinarily - or at least very frequently - do not write proper judgments at all, but only hearing notes as they are called.

The judge having written such "notes" in a case, a clerk writes out what is called an "office copy" in which he fills up a good deal himself - issues, nature of the case, and (I think) sometimes the facts. The rest is merely always a copy of what the judge has written in the "hearing notes". This copy is then signed by the judge, and though it was not written by him, it appears to be ^{generally} treated as the judgment itself; & copies made for from it & granted to parties as if copies of the judgment itself. All this is most irregular, and it is essential that in future the provisions of the Code be strictly followed. In all these defects, the chief judge is by far the most to blame, both as having been personally much more careless and perfunctory than the other, but as having been - as the Chief - the one primarily responsible for the proper working of the Court.

11. Another defect I ^{casually} ~~earnestly~~ noticed was in the matter of writing up the Appeal Register, in which the decision is embodied. I found that they were often written by an irresponsible Volunteer, without any check

19
17

check by the Registrar or any one else. It was not initialed by any permanent official. Consequently if the judgment were lost or made away with, (a not impossible contingency in an office in which there must be considerable faction) the only record of the decision would be the abstract of the judgment written by an irresponsible Volunteer. This practice I came to know accidentally when trying to find out how an erasure had come to be made respecting one of the above quoted appeal cases, if the above irregularities came to my notice on a very perfunctory look through the Record room, I cannot doubt but that many more defects would come to light if the whole of the office management were thoroughly looked into.

12. To conclude - For the well being of the State, and for the due Administration of justice, it is essential that not only should justice be impartially administered, but that the people ^{generally} ~~generally~~ should believe in its impartiality. With the Subordinate Courts it is of less importance, as erroneous decisions can be set right by the Chief Court.

But if there is a want of confidence in the Highest Court, then it becomes a most serious matter. In the present state of affairs, we have a Chief judge accusing his colleagues of combining to give perverse judgments in order to gratify their malice, ~~in~~ the hopes that they may get promotion by his fall. On the other hand, his colleagues indignantly complain of the impossibility of their working with or consulting him, of his harsh and overbearing conduct, and of his habitual writing perfunctory & slipshod judgments. Coupled with all this, we have the fact that the mode of writing & pronouncing judgments is altogether defective, so that the internal working of the Courts is unsatisfactory.

13. You have written that "a drastic remedy seems inevitable, & in deciding on what it shall be I shall be guided by your valuable advice," & I accordingly proceed to give it. It appears to me perfectly clear that the 3 judges cannot work together harmoniously & think it is essential that the services either of the

19/22

The Chief judge, or of the 2nd & 3rd judges, (both together) should be dispensed with. It is not necessary to decide that any one is in himself incompetent for the post of judge, or that any one has committed such faults as to merit dismissal; it is enough to say that they cannot work together in the same Court that their disagreements have led to such a public scandal that either the one or the two should cease to have any part in the Administration of Justice in the State. There are no grounds for removing the 3rd judge, & it therefore follows that the Chief judge is the one who should retire. As between him & the 2nd judge, it will be clear from the foregoing paragraphs that my opinion is that ~~which~~ while the 2nd judge deserves censure, the Chief judge deserves much greater censure for his general management of the Court. I therefore recommend that the Chief judge be afforded an opportunity of resigning his seat on the Bench, as I should be reluctant to see him dismissed unless he refuses to resign.

14. As to the 2nd judge, I think his retirement would be a gain, but I cannot pay more, & I hope his future career, if he remains a judge, will be such as to give greater cause for satisfaction.

15. If you follow my advice, the question of filling up the post of Chief judge will have to be considered. The 2nd judge is out of the question for promotion, & in view of all that has occurred, & of the general unsatisfactory ^{state} of the State Court, in which censure the 3rd judge must take his share as above stated, I would on no account recommend his promotion. The Court requires a thorough overhauling & supervision — There appears to be a good deal of faction in the office itself, as might be suspected — & it is desirable that some one totally unconnected with these disputes & who has a good deal of experience as a judge of British Courts, should preside over the Court — at least until it is brought up to a satisfactory state. It may be a question also as to whether the present constitution of the Court will not

19/23

not ultimately require some modification. There is I think scarcely work for 3 judges, but the necessity for 3 judges does not only depend on the amount of work to be done. It is a difficult question — especially that of the right of Final appeal. But in view of the fact that the Regency will so soon terminate, in a month or so, I do not think it would be well to make permanent arrangements. I therefore recommend that Government be asked to lend the service, of as Chief judge, of some able Mr. Munsiff for a limited period, say to the close of Tasli 1306, — of a Munsiff whose character & abilities are such as to give promise of his rising to the post of a Sub judge in the British service. ~~He~~ should be a non-Brahmin if possible in accordance with the wishes of Government — as the other two are Brahmins.

By the end of Tasli 1306 the Court should be in a proper state of efficiency, & on his services in the State being dispensed with, Mr. Munsiff would be in a position after 2 1/2 years experience to consider if any —

any alteration were desirable in the constitution of the Court, & if not, to see if any one in the State were fit for the post of Chief Judge.

16. I think it very desirable that this question should be disposed of at once, as it is a matter which has been long under your consideration, & I think it eminently desirable that it should be disposed of while you are Diwan-Regent. The continuance of the present state of affairs also cannot be too long continued, & it will be an advantage if Mr Sundaram Iyer at once ceases to be Chief Judge, & if application be made to Government for a successor. It will do no harm if the Court is without a Chief for some weeks.

17. In addition to the papers received with your letter under reply, I also forward additional papers as per enclosed list to be returned when done with, except the records in A.S. Nos 98 & 104 of 1891. All the papers will be

Sent

19/24

Sent Separately in Registered covers.
I have &c

(Signed) J. Sundaram
Pol. Agent for Pudukkottai.

(True copy)

Sundaram.
Pol. Agent for Pudukkottai.

Enclosure No. III

To letter No. 34-C dated 14th
November 94 from Pol. Agent
for Sundrappaiyer to the Chief
Secretary to Govt. Pol. Dept.
Madras.

Political Agent's

letter No. 34-C dated 20th October
1907

1894.

4.

5

1538.

Confidential.

No. 184-0.

Diwan's Office,

Pudukkottai 25th October 1894.

To.

James Andrew Esquire
Pol. Agent for Pudukkottai.

Sir,

I have the honor to acknowledge your
letter No. 34-C dated 20th instant, & to inform
you that as recommended in para 13 thereof
& with reference to your remark in para 16,
Mr Sundrappaiyer the Chief Judge was -
afforded an opportunity of resigning his
seat on the Bench at once, & he has sent
in his resignation accordingly with effect
from the 24th instant.

2. With reference to para 14 of your letter, the
2nd Judge for whose information and
guidance I communicated your obser-
vations has elected to remain. His reply
is enclosed & I have no doubt that he
will give greater cause for satisfaction.

3. He will have charge of the Court pend-
ing further orders.

4. With reference to your remark at the
end of para 16 that it will do no harm.

* copy

harm if the Court is without a Chief for
some weeks, I beg to remark that the appeals
Revision petitions in civil cases may
stand over for a short time, Criminal
matters in which the liberty of person
is concerned such as applications for
bail & for suspension of sentences in Sessions
cases as well as appeals from convictions
in Session cases tried by the 2nd & 3rd judges
cannot be put off without inflicting a
wrong on the people for which the inability
or unwillingness of the Head of the Admini-
stration to keep the strength of the Court as
required by the Constitution, will be a very
poor excuse or rather I should say none at
all.

A similar difficulty will be ex-
perienced in respect of interlocutory
applications in civil cases with which the
remaining judges may be proceeding.

The Sessions for November will be
coming on the 1st i.e. a week hence & I think
I shall be failing in my duty if I leave
the Court in a state incompetent to perform
its functions.

9/2

7. I have therefore resolved to appoint a
third judge to keep the Court going according
to the Constitution, pending other arrange-
ments.

8. Not being sure that any High Court
Vakil from the Lucknow or Tanore bar -
worth having will accept the position of
a stop-gap for an indefinitely short period,
I selected for the adinterim judge Mr. V. Ranga-
nathan Rao. B.A.-B.L. The only High Court
Vakil who has been practising in the Chief
Court as a resident Vakil. I have taken
into consideration the fact of his being
the son of the Diwan Peshkar & think that
it need not be allowed to prejudice
a very temporary arrangement of the
sort.

9. Regarding your observation & recommenda-
tion on the desirability of filling up
the post of Chief judge by a selection
from the D.C. Munsiffs in the British Service,
I am addressing a separate communi-
cation.

I have etc.

/Signed/ A. Sushil Sarkar
Diwan - Rajah

Copy of reply from 2nd Judge C 25.10.1894

My dear Sir,

With great pain & grief I perused your note conveying to me the opinion of the Pol. Agent, regarding the disagreement between me & Mr Soondrapaniger The late Chief Judge, to the effect that my conduct is open to the severest censure. While I conscientiously feel that my motives have always been unblemished and innocent, yet I am exceedingly sorry that a combination of circumstances should have happened upon which the Political Agent was obliged to express his dissatisfaction. But since the Political Agent has been ^{kindly} pleased to leave me the option of remaining in office & so conducting myself as to give greater cause for satisfaction, I have resolved to remain with the stern determination not to afford any cause for displeasure in future.

I humbly beg to remain
Signed/ P. Annaswamydoss.

/ Incepsy.

Enclosed.

Pol. Agent to the District Officer

19/27
Enclosure IV.

To letter no: 34-B dated 14th
1885 from the Political
Agent for South Kanara & the
Chief Secretary to Govt. Pol.
Dept. Madras.

Dewan Regent's
letter no: 184-B dated
25th October 94.

4
P.M.

1538

19/20 Confidential

No. 34-0
1746.

Political Agents office,
Trichinopoly 26-10-54.

From.

James Andrew Esq.

To.

Political Agent for Muzaffargarh

The Dewan Regent

Muzaffargarh.

Sir.

I have the honour to acknowledge receipt of your No. 184-0 of 25. instant (Confidential), conveying the news of the retirement of Mr. Sunderam Iyer, Chief Judge. I approve of your proposal to put the 2nd Judge in charge as a temporary measure.

2. I see the force of your reasons for not wishing to leave the Chief Court short handed for even a few weeks - and it may take longer to make permanent arrangements. As to your proposal to put ⁱⁿ Mr. P. V. Neelgoundar Rao to act as a temporary measure, would be better pleased if you could select some non-ⁱⁿ Brahmin

sent from the Trinopolis or Tanjore
Bar, as it has long been laid
down that one of the Judges
should be a non-Resident, &
account of the unpleasant cir-
cumstances that led to the present
case, & the part taken in the
whole matter by so many of the
Judges, it is better that even no
stop-gap some body totally
unconnected with the local bar
should be appointed. If having
considered this, you still prefer
to put in Mr. P. V. Rajamachari Esq.,
I shall make no objection. But
the person you put in should be
very distinctly informed that
this is altogether a temporary measure
which will probably ^{only} last some
weeks & that the temporary appointment
is not give him the slightest claim
to Confirmation.

I shall be very glad if the 2nd
Judge gives satisfaction in future as he
himself undertakes to do.

I am,
Yrs. J. J. J. J. J.
(J. J. J. J. J.)
J. J. J. J. J.
J. J. J. J. J.

Enclosure V

19/9

To Letter No. 34-6 dated
1865
14 November 94 from the
Political Agent for the
to the Chief Secretary, Govt.
Col. Sept. Inados.

Political Agent's
Letter No. 34-6 dated 26 October
1884
1746

4
P.M.

3

1538

19/30

No 34-0
1825.

Political Agents office.

Trichinopoly 7th Nov 1844

From James Andrew Esq.

Political Agent for
Pondicherry

To

The Diwan Agent.

Pondicherry

Sir

I have the honour to inform
you that I have not yet received
the communication you said you
were addressing me in para 9
of your letter No. 184-0 of 25th
ultimo regarding the filling up
of the post Chief Judge.

2. As I have been daily expecting
your promised communication,
I have been deferring sending
to Government my report on the
Chief Court scandal, but I do not
consider I can further delay in
making Government acquainted
with such an important matter,
and I shall much regret if I shall
be unable to put ^{it} in possession

of your views, as to the best mode
of filling up the vacant post,
then informing it of mine.

I have, however, decided to defer
ending my report to it until
next Monday (unless I receive
your report in the meanwhile)
in the hope that I may be
in possession of your views before
that date. As the matter has
been before you for so many months,
and you received my report on the
21st or 22nd ultimo, I presume
you have ^{been} able to come to a conclusion
ready as to the best future arrange-
ments.

I have
Signed: James Andrew
Pol. Agent.

(True copy)

James Andrew
Political Agent for
Poonah & Co.

h
12/11/94

Enclosure VI.

To letter no. 34-B dated
1865
14th November 94 from the
Political Agent for Poonah & Co.
to the Chief Secretary to
Govt. Pol. Dept. Madras.

Political Agent's
letter no. 34-B dated 26th Nov
1865
94

Confidential

Dewan's office

19/32

No 195-0

Onurkottai 10th November 94

To

James Andrew Esq.
Political Agent for
Onurkottai.

Sir,

I have the honor
to acknowledge your letter no.
 $\frac{34-0}{1825}$ dated 7th instant, & in
continuation of my letter
dated 25th ultimo no. 184-0
acknowledged in your no. $\frac{34-0}{1746}$
dated 26th ultimo (Confidential)
beg to submit the following obser-
vations

2. Taking into consideration all
that has passed, I do not think
that the appointment of a Drunsiff
from the British service is
imperatively called for or would
be the most advantageous
arrangement.

A Munsiff, if he is of
 some standing as he must be,
 must necessarily be one whose
 connection with the practice
 administration of criminal
 and must have ceased for years.
 the duties of a Judge of the
 Chief Court requires a practical
 knowledge of it every day I
 doubt, moreover, whether any
 Munsiff of superior calibre
 could be had for a temporary
 service of $2\frac{1}{2}$ years.

With the resignation
 of the late Chief Judge
 the chief element of discord
 was removed.

The second Judge O.
 Annasawin Bhyar now in
 temporary charge of the
 Court, has held the office
 of Judge now 10 years, first
 for $2\frac{1}{2}$ years as sole civil

I think my proposal for
 Munsiff by far the best. The
 internal arrangements of the Court
 are most defective and unsatisfactory,
 and a man as Chief with
 practical experience of the
 working and internal arrangements
 of a British Court, is by far
 the best arrangement for the
 next year or two.

I think a Munsiff - even
 of the lower grades who has
 hopes of further promotion
 to the post of Sub. Judge, or at least
 of promotion to highest grade
 of Munsiff, would be glad of
 the post. He would have every
 motive to work well as Chief
 Judge, as if he gave satisfaction
 and got a good name during his 1/2 or
 2 years at Court, he would
 look forward to promotion in his
 remaining to the British service,
 even if the Raja did not ask
 for his further services on increased
 pay, and I think it will worth
 giving high pay to the Chief Judge
 to secure a man of marked ability
 & character. Even if he has not
 much experience of criminal
 work, he could learn it, and I
 do not think Mr. Sargappa Rao
 has had much experience
 of criminal work - certainly
 not in the Sessions Court.

But men who quarrel as they
 did are not fit for promotion,
 and though in my letter of 20th inst.
 to Dewan Agent I did not go on
 suspicion or animosity, but dealt with
 the whole thing as a quasi judicial
 enquiry, still it is difficult to
 resist the impression that the
 Chief Judge was not altogether free
 from a spirit of culpable animosity.
 The 2nd Judge certainly was actuated
 by animosity in the case of
 Sasthi's case.

Apparently he was not fit
 for the post of Chief Judge.

in 1887, or he would not have
 been superseded by the Chief
 Judge just resigned.

19/23

I quite disagree. He is quite
 unfit for the Chief Judge, and in
 my letter dated 20th inst. to Dewan
 Agent, I greatly hesitated as to
 whether I should not recommend his
 removal. But I felt the records
 scarcely justified such a course.
 But I should be very
 sorry to see him promoted
 with primacy.

and Sessions Judge, and afterwards
 as second Judge of the Chief
 Court since 1887. He always
 discharged his duties well
 enjoying the confidence of
 the Public and giving satisfaction
 to the Head of the Administration.
 The faults which have
 been set down against
 him in the present enquiry
 have been in my opinion
 the results of errors of
 judgment or allowable difference
 of opinion, and in the matter
 of laxity in writing out the
 judgments, the evil example
 set by the Chief seems
 to have affected him, and
 you are aware, on the communication
 of your remarks to him, he has
 promised to give satisfaction
 in future.

6. As regards the 3rd Judge S.
 Swaminatha Bhyar, his share
 of blame is about the least

and I have no doubt that the few
deviations from strict procedure
will never more recur.

7. With your consent semi-
officially conveyed I have
appointed O. N. Shadafosa Rajan
High Court Valued as third judge
in the temporary arrangement. He
has begun well. His intelligence
and patience are already appreciated.

8. It is my humble opinion
that in consideration of their
good service and established
character for ability and integrity,
the late second and third

Judges should have a chance
given them; & I feel convinced
that with the help of
the dead judge there will be
no more lapses of procedure
and the Court can soon be
re-established in the confidence

The Chief Justice
has been a scandal to
the administration, and
strongly urged that
of them should be p

Apart from other objections
above noted, it would be
most difficult to take in
Shadafosa Rajan, and then
dismiss him except on specific
charges - merely on the ground
of his not being a success.
It is difficult if we get
the loan of a District
Magistrate as Chief Judge
to the end of Fiscal 1305 or
1306.

9/34

of the Public. A year's time
may be allowed and the State
of the Court may then be inspected
and judged.

9. It may also be made
a rule that besides the Chief
Judge who must always be
in charge and responsible for the
working of the Court, the
other two may in turn look
into and report on the condition
of the records from time to
time.

10. Hitherto the working
of the Chief Court never
came under the inspection
of the Dewan, there having
occurred no occasion.
Hereafter my successor
will, I dare say, in the
light of what has
occurred make it his duty
to inspect periodically

and satisfy himself that every-
thing goes on right. If this
done, I am confident, nothing
can go wrong.

There will be nothing
to prevent a change in the
constitution of the Court
at any time and should such
be deemed necessary or desirable.
The present constitution was
revised after a great deal
of discussion and as the
final outcome of many
changes and as the one best
suited to meet all requirements.

I have &c

/s/ A. Sathiah Sastri

Dewan Regent

/True copy/

Witness.

Political Agent
for Duddhikottan

Enclosure VII

19/35
Letter No. 34-B dated
1865
number 94 from the
Political Agent for Duddhikottan
Chief Secretary to Govt
of Madras.

Dewan Regent's

No. 195-B dated 10/2/00
with Pol. Agent's remarks
margin

1884

10/1

1926

19/30

List of enclosures to Letter N^o $\frac{34-0}{1865}$ dated
14th November 1894. from the Political Agent for
Pudukkottai to the Chief Secretary to Govt.

1. Copy of Pol. Agent's Letter N^o $\frac{34-0}{1005}$ d. 5.7.1894. to D.R.
2. " Diwan - Regent's Letter no. $\frac{154-0}{17894}$ to Pol. Agent.
3. " Pol. Agent's Letter to D.R. N^o $\frac{34-0}{1707}$ d/ 20.10.1894.
4. " Diwan - Regent's letter to Pol. Agent N^o 184-0/25.10.94.
5. " Pol. Agent's letter to Diwan. N^o $\frac{34-0}{1746}$ d/ 26.10.94.
6. " " " " N^o $\frac{34-0}{1825}$ d/ 7.11.1894.
7. " Diwan - Regent's letter to Pol. Agent N^o $\frac{195-0}{10.11.94}$.

Enclosed.

Political Agent for Pudukkottai.

14.11.94.

OFFICE OF THE
POLITICAL AGENT FOR PUDUKOTA,

No. 34-0
1865

Trichinopoly, 14th November 1894.

From

James Madge Esquire,
POLITICAL AGENT FOR PUDUKOTA,

TRICHINOPOLY.

To

THE CHIEF SECRETARY TO GOVERNMENT,
POLITICAL DEPARTMENT,

MADRAS.

SIR

CW-1371

In my letter No. 173-0 dated
1655
14th October 1894, submitting the Dewan
Regent's Administration Report for
Fasli 1303, para 14 I mentioned that
"the working of the Chief Court
could not be at all regarded as satisfactory,
mainly owing to the ill feeling existing
between one of the Judges on the
one hand (the Chief Judge) and the other
two (2nd and 3rd Judges) on the other." I
now beg to report on the subject.

2. The fact that the Judges were
not working together harmoniously came
to the notice of my predecessor Mr.
Miller in September 1893, and he called
for a report from the Dewan Regent.
Since then frequent and pressing

are being constantly sent, but without
mail, first one cause and then another
of late months his ill health being the
chief reason - being ^{status} ~~reported~~ by the
Dewan Regent, as necessitating his delay
reporting. He at last reported on this
"Chief Court Scandal" in his letter no.
4-C dated 17th August 94, summarising
his views, in para 20, in which he
severely criticised the conduct of the
Chief Judge (Mr Dy. P. Sundram Iyer),
stated that the Court was not in
healthy condition, and that a
crack in the ^{seemed} ~~series~~ inevitable,
and he concluded by asking my advice.
I proceeded to Oudhkottai in the
first week in September and went
to the matter in considerable detail,
and something of the internal working
of the Court and the state of the
records, and interviewed the three judges
and heard all they had to say. As the
Chief Judge had not seen the various
reports of the 2nd and 3rd Judges complaining
his conduct, I handed them to him
at once, and gave him an opportunity

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of sending me written replies to their
allegations, an opportunity of which he
availed himself. In the result, I wrote
to the Dewan Regent letter no. $\frac{34-C}{1707}$ dated
20th October 94 in which I explained my
views at length, and to this I beg to refer
you, as there would be but little, if
any, use or convenience, in my ^{going} ~~going~~ all
over the same ground here. It may be said as
part of this letter.
3. To summarise my report, however,
I may state here that bitter hatred has
long existed between the Chief Judge
on the one hand, and the two others on the
other, the chief reasons being, according
to the former, that the 2nd Judge bears
him a grudge because he (2nd Judge), who
was the Civil & Sessions Judge, was
practically ^{superseded} ~~expressed~~ when an outsider
(Mr Dy. Sundram Iyer) was made Chief
Judge when the present Court was
constituted, and that the 3rd Judge bears
him a grudge because he (the Chief)
protested against his (3rd Judge's) appointment
as 3rd Judge ^{of the 2nd} in 1891. The main charge
brought by the Chief against his
colleagues was that they maliciously
combined to reverse him, and to confound

each ~~and~~ others', judgments in appeal. The 2^d and 3^d Judges rebuked by complaining of his harsh and overbearing conduct towards them, and of his illegal perfunctory unintelligent & meagre judgments. In the result I informed the Dewan Regent that it was necessary that the Chief Judge Mr. Sundram Iyer should leave the Judge, and he resigned his post on the 24th ultimo.

In para 15 of my letter to the Dewan Regent to which I would here refer you, I made certain suggestions for the future, my main proposal being that Government should be requested to lend the services of some Hon. Brahmin District Munsiff - whose character and abilities are such as to give promise of his rising to the post of a sub. Judge in British India - to the Pudukkottai State for a definite period, say to the close of Fasli 1306 - ^{at least} or Fasli 1305. At the urgent suggestion of the Dewan Regent, the 2^d Judge has been put in by him to act as chief, and the 3^d Judge as 2^d Judge & a Vakool

19/28

from Trichinopoly Mr. P. D. Salasappa Naidu, as 3^d Judge - all this as a purely temporary arrangement which the latter was told would probably not last many weeks. He was most distinctly informed by the Dewan Regent and myself that this temporary appointment would not give him the best claim to the permanent appointment. I was most anxious for permanent arrangements to be made before the Installation, partly on the ground that I considered it very undesirable that His Highness the Raja should have to face a question of this nature at the very moment of his entering on the Administration, and I considered - as stated in my letter - that by the end of Fasli 1306 (or ^{at the} end of Fasli 1305) a new Chief Judge, but by Govt., would be able to effect the necessary improvements in the working of the court (vide para 15). I greatly regret however to have to say that the Dewan Regent felt unable to reply to my letter until the other day

he wrote his letter No. 195-0 dated 10th instant, on my telling him that if I did not get his proposals at once, I would have to submit mine to Government without waiting for his.

6. I enclose copy of the Dewan Regent's letter No. 195-0 (Confidential) dated 10th instant in which he makes his final proposals viz:

(1) to appoint the 2nd Judge as Chief Judge.

(2) " " 3rd " 2nd Judge

(3) " Confirm Vatheel Sahagopa daidu as 3rd Judge.

I make some notes in the margin of his letter, as being more convenient, and here I may add that I am very much surprised at the Dewan Regent's proposals. They do in fact, if carried out, end in ^{that} which the late Chief Judge urged was one of the objects of the 2nd and 3rd Judges, viz their rise on his fall (This proposal was coming at the 11th hour makes me suspect that they had no hope, - though it is only a surmise, not

In my letter of 20th October 94 No. 1707

19/40

I have expressed my opinion of the 2nd Judge in paras 3 (h) 5, 6, 9, 13, 14 & 15. I held his conduct to be deserving of the greatest censure, and in para 14 I said I thought "his retirement would be a gain"; and though I did not feel justified in going to the length of recommending his compulsory retirement, I would not have dissented if the Dewan Regent had decided to adopt such a course. In para 15 I stated "the 2nd Judge is out of the question for promotion" and that as the 3rd Judge must take his share of the censure, I would on ^{no} account recommend his promotion". Yet, in spite of these strong expression of my views, the Dewan Regent recommends the promotion of both, and the confirmation of Mr Dy Sahagopa daidu whom he appointed, with my consent, purely as a mere temporary measure for some weeks and on the express understanding given by the Dewan Regent as well as myself that he was not to ^{have} the slightest expectation of fir

C. No 1538

For Order

This paper is marked urgent as it seems advisable to ^{arise} come, if possible, at some settlement before the Raja assumes the administration.

The proposal to appoint ~~and~~ the services of a non- Brahmin Dist. Munsif for the post of Chief Judge seems the best that can be made. The appointment of the ~~for~~ 2nd Judge to be Chief Judge is, it is submitted, out of the question. It is doubtful whether he should ^{also} be called upon to retire. There is not the slightest doubt that the Chief Court is in a very discreditable state & it will require a strong Chief Judge to get matters straight & to keep them so.

It is submitted that the best course will be to refer the papers B.O. to the Hon^{ble} the Chief Justice with the request that he will favor Govt. with the opinions of the Hon^{ble} the Judges as to the District Munsif to be selected for the post of Chief Judge.

The sanction of the Govt.

19/4/2

I think this is the best course to adopt under the circumstances. If we succeed in getting a good man, I think we may look to the Court working well, but the new Dewan must be told to watch it very carefully. The Dewan Regent has I consider behaved very badly in the matter & has by his delay made things very difficult. He has not been at all straight - but I do not see that we can do anything to him now.

The High Court sh^d be consulted at once, & the result telegraphed to the Pol. Regent.

W
do not

20/11/94

The promotion of the 2nd Judge sh^d not be allowed. He is evidently unfit for the post of Chief Judge, & the state of the Court imperatively requires that matters sh^d be taken by another

The unsatisfactory state of the Chief Court, had I anticipated anything like such a delay. I did not, however, care send a very imperfect report merely the effect that there was a general talk of differences in the Court, without being able to report fully on these differences; and as the Dewan Regent was promising to expedite his report, and that I should have it within so many days, from time to time, I continued to hope that I might receive it in time. Ill health & pressure of other work & delayed report, and when I got it, I found it necessary to go into details at some length. He spent in Oudhkottai and then to get further explanation from the Chief of the spot. Hence all the delay, which I regret.

I enclose copies of so much of correspondence, as I think it necessary trouble Govt. with, as per enclosed list.

I have the honor to be,
Sir,

Your most obedient servant

Enclosed.

D. C. ...

with reference to §806 of the C.S.R.,
be required to the loan of the
Dist. Munsifs' services.

qualified out order.

8/27/19

19/28

Purukhota Chief Court

E

H.R. Jemic

For Order

To save any chance of
the question being re-opened
once the Raja assumes the
administration, it is thought
that the Pr. Agent should, when
the High Court's reply is received,
be told by wire to consult the
Raja as to the course proposed
to be taken.

8/

8/21

This seems the best solution of the
matter. The Dewan he put has
been repeatedly let out - only
as regards ending in the report
called for by Mr. Butler - but
in nothing else. And he looks
almost as if he had deliberately
planned to put in the 2nd Judge
as Chief Judge - a post for
which he is evidently totally
unfitted, and which even if
he was fit for he should not
under the circumstances of the
case be conferred upon him,
and to nominate the 3rd Judge
and then he hoped by delay to
be able to handle it through at
the last. There is not now time
if Mr. Andrew's proposal is
approved to carry the suit effect
before the Raja assumes the
administration.

19/11/94

[G]
9
1,000-5-3-94.

do
min No. 717.

RUC DEPARTMENT.

19
/ 64

do
From

Registrar, High Court.

No.

Dated 23 }
Received 26 } Nov 94

Enclosures *one*

SUBJECT.

Re appl. of a St. Hussif
as Chief Judge, Soudakota

19/25
List of Mr. - Brahmin Munnis
Considered suitable -

First Grade in Rupees 400.

1. Mr. A. F. Elliot, District Munnis of Villor

Second Grade in Rs. 300.

2. Mr. J. L. Narayana Rao, Nayadu - Proddatur
Cuddapah District
3. " Muddappa Bangera - Kundapur, S. Canara

Third Grade in Rs 250,

4. Mr. P. V. Arantan Nair, Kutnad, S. Malabar
5. " Syed Fayuddin, Kamkal, Salem

Fourth Grade in Rs 200.

6. Mr. T. Varadarajulu Nayadu, Peddapur, Godavari
7. " J. M. Kallawami Pileai, Tripalur, Salem

G. R. R.



20.717

19/2

125 11 25

Madras
23rd Nov. 1884

My dear Mr Price,
In reply to your D.O.

of 21st inst. I am directed
to state that the High
Court has no objection to
the proposal to lend the services
of a District Munsif for employ-
ment in the Pudukkottai State for
a period of two years, should
any District Munsif be desired
to accept the appointment.

It would take some time
ascertain, what District
Supt would be willing to
accept service in Padukott
as the Govt. presses for
immediate answer I
to append a list of some
Hon. Brahmin members
and High Court-candidates
for the appointments to be
up. It is desirable that

19/2)
Government should initiate
the terms on which the appoint-
ment is offered, whether the
service will count for leave &
pension & other details & a
similar character, as until
these particulars are known it
is not likely that any ~~other~~ officer
named will finally close with
the proposal. The names suggested
are arranged in order of seniority,
and the grade & rate of pay now
drawn are indicated. The first
and the last three names are all well
conversant with Tamil, but this

is not the case with the other
knowledge of that language is
extensive -

I am, dear Mr. Price

Yours sincerely

H. Price

P.S. The enclosures are being
sent separately -

19/48

Telephone

From the C.S.

To the Registrar, H. Court
appellate side

Have papers regarding
Indukota chief Court been
returned yet. If not please
direct their ^{very} early transmission
to me.

25/11/54

26/11/54

1,000-25-10-14

198
49

Boerhaavia carolinensis ⁹ *Boerhaavia carolinensis*
Linn. *Boerhaavia carolinensis* W.



00719
CHIEF SECRETARY
26 NOV. 1894
GOVERNMENT OF MADRAS

19/5 Madras
W. No. 84

My dear Mr. Price, ^{enc 1538}
^{with 7 Encl}

In continuation of
my letter of 20th inst. I forward
herewith the papers regarding
the President's Chief Clerk's Account
with your letter of 21st inst.

Yours sincerely

W. P. R.

19
52

Quo 1538 + Quo 717 + 719.

For orders.

The salary of the chief judge is Rs. 1538 - please see para 7 of No. 1538. & also place marked with slip in No. 196 20.4.29.

The loan of the services of a St. Munsif would fall under ^{Foreign} Service of the first kind 5502 et seq of the C.B.R.

He would be permitted to maintain his claim to leave and pension in the same way as if he were in British service on payment of contributions to Govt - 5502 + 503, C.B.R.

As the pay exceeds Rs. 250 p. m. the sanction of the Govt. of India, Foreign Dept would be required - 5506.11, C.B.R.

Orders are solicited as to which of the St. Munsifs recommended by the High Court should be selected.

Mr. St. M. would probably not care to take it as he has already acted as St. Judge

LD
28/11/94

~~Handwritten notes in Tamil script, mostly illegible.~~

I think Mr. Elliott shd. be given the offer first. Perhaps he might like to take it. Whoever is selected will I understand be only lent for two years, and is liable at the end of this term to rejoin to B.R. service - his claim to leave & pension etc. Handing good meanwhile.

If Mr. Elliott declines - we should ask Narayana Rao Ravidia,

W
29 Nov

Mr. Elliot should have the offer first, but he is not likely to accept it. As to Narayana Rao Ravidia, he is one of the men who Mr. Justice knows does not know much Tamil. Shd. be better, I think, to offer the offer to the senior Munsif who knows Tamil well - Said Tajuddin - His pay is only Rs. 250, so Rs. 400 wd. be an inducement to him. The State would have to pay pensionary contribution in addition to pay, I suppose.

Very well
30/11/94 W. Dec

Chief Judge, Pudukkottai

19/5/3

Post Dept

DO.

My dear Sir Arthur Collins,

With reference to Mr. Foster
DO. of the 23rd ultimo, I am directed
to state that the pay of the asst. of
chief judge of Pudukkottai is Rs: 400
per mensem. The loan of the
services of a Dt. Munsif ^{would} fall under
Foreign Service of the first kind
vide § 802 et seq. of the C.S. R. He
would be permitted to maintain
his claim to leave and pension
in accordance with the provision
of §§ 803 and 809 of the C.S. R.
As the pay exceeds Rs: 250 p. m.
the sanction of the Foreign Dept.
of the Govt. of India ^{to the department of an} would be
required. ^{Thus while the Govt. of India is} The services could be
lent for a period of two years
and the state would have to pay
the pensionary contribution in
addition to pay. The Govt. consider
that ^{it will be desirable that} Mr. Elliot should be given
the first offer first ~~and~~ but fears
that he is not likely to accept it
in which case Saigud Sajud ^{appears to be more to whom the Govt. should be made}
might be given ~~the most choice~~
^{may be the favour to}
Please let me have a

Resubmitted to H.E. the
with reference to Mr. Elliot

Ch.
30/11

LS
30/11/3

C 28/11 C 30/11

in order that the
sely ~~order~~ may be
may be ~~upheld~~
of the selection made and if
e raises no objection, to obtain
the sanction of the Govt. of India ^{may be}

3/12/94

Pudukota C

CS
DO-

The Hon. Sir Arthur Collins, Kt., &c.

Desp'd
5/11

E

Note for CB

Such Doc go in c

hand writing

[G 1
9 1
1,000-25-10-94

Order No. 745

19/5

Roll DEPARTMENT.

DO
From

M W Foster Esq

No.

Dated 7 } Decr 94
Received 7 }

Enclosures one

SUBJECT.

States that Mr Elliot accepts
the appt of chief judge, Pudukota

Despatched
Telegram 1/12
To the Poll Agent, Pudukota.

625 * your letter 34-0-1865
fourteenth ultimo. * First grade St.
munis Elliot pay Rs: 400 accept
appt. chief judge, Pudukota, on
Rs 400 per mensem state paying
compensatory contribution add
Salary * services ^{can} be lent for
years * Sanction Govt. India
necessary under Art. 306 Civil
Service Regulations. Please asce
if Raja agrees to appt.

7/12/94.

43
7.12.24

Vellore
6 Dec 9

Dear Sir.

9/5

In answer to
your DO of the 4th Dec
I beg to say that I am
prepared to accept the
offer conveyed in your
letter of the appointment
of Chief Judge of the
Madras State for
a period of 2 years

that my perfect
service of the
Ct will not
be affected by my
reputation to the
Native State - 76

I remain
Dear Sir
Yours respectfully
Asper & Esq.

H. W. Foster Esq. Sec.
Registrar
High Court.

The ap-
proposals respecting
to me, but as the
Honorable Judges of the
High Court have been
pleased to select
me for the post it is
my duty perhaps to
accept it and do all
in my power to improve
the working of the judicial
Department of that
State - feeling honored
as I do at the same
time



CHIEF SECRETARY
-7. DEC. 1894
GOVERNMENT OF MADRAS

19/12 Madras
7th Dec. '94

My dear Mr Price,

As requested in your
O.O. of 3rd inst. the High Court
conveyed to Mr. A. F. Elliot the
offer of the appointment, for two
years, of Chief Judge of Pudukkotta,
as the terms mentioned in your
letter, and in the letter to
which I enclose ~~copy~~ he has
signified his willingness to accept
the appointment.

Yours sincerely

W. S. S. S.

[G
7]
1,000-25-10-91.

19
58

Current No. 2

96. 53-54
04-89. 5-2-89. *Pd* DEPARTMENT.

del 102-4
From 14-2-88

The Govt of India
Foreign Dept.

No.

Dated 5. }
Received 6. } Jan'y 1895
Enclosures 7. }

SUBJECT.

Stating that there is no
objection to the transfer of
Mr. Elliot

Pd 19 02

1681
OFFICE OF THE,
POLITICAL AGENT FOR PUDUKOTA,
Trichinopoly, 13th December 1894

19/9
No 34-0
2038
FROM

James Andrew Esquire,
POLITICAL AGENT FOR PUDUKOTA,
TRICHINOPOLY.

TO
THE CHIEF SECRETARY TO GOVERNMENT,
POLITICAL DEPARTMENT,
MADRAS.

Sir,

In reply to your telegram
No. 629 dated 7th instant I have
the honor to inform you that
His Highness the Raja fully
approves of Mr. Elliott's appointment
"provided he speaks Tamil"
which is the language of the
Chief Court. All proceedings
pleadings, judgments &c are in
that language, a knowledge of
which is therefore indispensable.

I have the honor to be,

Sir,
Your most obedient servant.

Andrew.
Political Agent
for Pudukkottai.

NO. 1681
P.M. Dept.

1894
FROM J. Andrew Esq.
The Political Agent

Department
for Pudukota,
Trichinopoly,
To The Chief Secretary to Government,
Political Department.

Dated 13
Despd 13
Recd 14
December 1894

CHIEF SECRETARY
GOVERNMENT OF MADRAS
No. 34-6
2038
Enclosures

Subject

Chief Judge Pudukkottai

In forming that
is Highness the Raja
approves of Mr Elliot's
appointment as —

Telegram
To Foreign, Calcutta
18/12/94
Defunct

637 x with reference Article
Civil Service Regulations, early
Govt India requested transfer
First grade District Munsif
services as chief judge Pudukkottai
State on Rs 400 per mensem
paying pensionary contribution
addition salary. Pudukkottai
Court requires thorough reform
has more than 10 years qualification

C.S.
15/12

17/12/94

Note

Mr. Foster in his slip, stated that Mr. Elliot's family well.

INDIAN TELEGRAPHS. Monthly Number. 02569

Code Class. D5

From (Office) Madras

Words. 21/91 Day 5 Hour 14 Minute 47

To (Person) Madras

From (Person) Foreign

18 G. of 18th tele gram
637 of 18th december
Elliot's transfer no
objection

CHIEF SECRETARY
GOVERNMENT OF MADRAS
6 JAN 1895

18th

MADRAS 5-1-95

Recd. from LN. Sent to

At Hrs. Mts. by

At Hrs. Mts. by

Telegraph Master.

J. G. P.—No. 2 T—45-94—8,00,000.

19/51

Recd. C. No. 1538 _____ (A)
 Telegram. No. 625 _____ (A).
 - C. No. 1681 _____ (A).
 - Tel. No. 637 _____ (A).
 - C. No. 2 _____ (A).

19/6

68
 Order. D. 10 Jan 1894 No. 19

19/6
 9 Jan

The Hon'ble the Judges of the High Court having intimated their willingness to permit Mr. A. J. Elliot, First Grade Dist. Magistrate, to accept the appointment of Chief Judge, Pudukotā, & the Govt. of India having sanctioned his transfer to Foreign Service, his services will be placed at the disposal of the Pudukotā State for a period of two years. Mr. Elliot's salary will be Rs 40 per mensem, the Pudukotā State paying in addition the pensionary contributions.

2. The Hon'ble the Judges of the High Court will be requested to instruct Mr. Elliot to report at a very early date.
 Political Agent,

Enclose the C. T. (with C/6) to
 Ch. Agent Pudukotā & dist.
 Asst. Genl. &

10TH JANUARY 1895, No. 19, POLITICAL.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

READ—the following papers:—

From the Political Agent for Pudukkóttai, dated 14th November 1894,
No. 34-O—1865.

Telegram from the Chief Secretary to Government, to the Political Agent, Pudukkóttai, dated 7th December 1894.

625. Your letter 34-O—1865, fourteenth ultimo. First-grade District Munsif Elliot, pay Rs. 400, accepts appointment Chief Judge, Pudukkóttai, on Rs. 400 per mensem, State paying pensionary contribution addition salary. Services can be lent for two years. Sanction Government India necessary under Article 806, Civil Service Regulations. Please ascertain if Raja agrees to appointment.

From J. ANDREW, Esq., Political Agent for Pudukkóttai, to the Chief Secretary to Government, dated Trichinopoly, 13th December 1894, No. 34-O—2038.

In reply to your telegram, No. 629, dated 7th instant, I have the honour to inform you that His Highness the Raja fully approves of Mr. Elliot's appointment "provided he speaks Tamil" which is the language of the Chief Court. All proceedings, pleadings, judgments, &c., are in that language, a knowledge of which is therefore indispensable.

Telegram from the Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Foreign Department, Calcutta, dated 18th December 1894.

637. With reference Article 806—ii, Civil Service Regulations, early sanction Government India requested transfer for two years First-grade District Munsif Elliot's services as Chief Judge, Pudukkóttai State, on Rs. 400 per mensem, State paying pensionary contribution in addition salary. Elliot has more than ten years' qualifying service. Pudukkóttai Chief Court requires thorough reform.

Telegram from the Secretary to the Government of India, Foreign Department, Calcutta, to the Chief Secretary to the Government of Madras, dated 5th January 1895.

18 G. Your telegram 637 of 18th December. Elliot's transfer no objection.

ORDER—dated 10th January 1895, No. 19, Political.

The Honorable the Judges of the High Court having intimated their willingness to permit Mr. A. F. Elliot, First-grade District Munsif, to accept the appointment of Chief Judge, Pudukkóttai, and the Government of India having sanctioned his transfer to foreign service, his services will be placed at the disposal of the Pudukkóttai State for a period of two years. Mr. Elliot's salary will be Rs. 400 per mensem, the Pudukkóttai State paying in addition the usual pensionary contribution.

2. The Honorable the Judges of the High Court will be requested to instruct Mr. Elliot to report himself at a very early date to the Political Agent, Pudukkóttai.

(True Extract.)

E. GIBSON,
Ag. Chief Secretary.

To the Honorable the Chief Justice (with C.L.)
" Political Agent, Pudukkóttai.
" Accountant-General.

Chief Judge, Pudukkottai.

Directing that the services of Mr. A. F. Elliot, First-grade District Munsif, be placed at the disposal of the Pudukkóttai State for a period of two years, in view to his appointment as —.

Copy sent to Press.

read for signature.

attached in print.

19
62

NUMBER OF COPIES
REQUIRED

Order complete.

Letter only.

Order complete with letter.

MAIN G. O. No.

130

DITTO

No.

REGISTERED TO G. O. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP. BEING MEANS FOR DISPATCH
IN ORIGINAL.

N. R.

A = Print in full.
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