

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 371

Press
~~Mis.~~

27-28

Dated 19 — 3 — 1915

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371

Fort St. George, Judicial Consultation, 22nd March 1859.

No. 27. Read the following Extract from the Proceedings of the Sudder Udalt, under date the 1st March 1859, No. 20.

Read Return of the Civil Judge of Salem to the Precept of the Sudder Udalt, under date the 31st January last, calling upon the Civil Judge to explain the system under which the deposits in the Moonsiff's Court are regulated, and to report on the reasons assigned by the District Moonsiff of Salem for any departure he may have made from such system.

The Judges observe that when the District Moonsiff removed the property to his own house, he did so against rule, and at his own risk; and it also appears that one half the sum was moreover kept in deposit in breach of the orders which required that it should be remitted to the Talook Cutcherry, though the Civil Judge considers that in view of his having shortly to disburse the amount, the District Moonsiff was justified in not so remitting it. The Judges resolve to forward the correspondence for the orders of the Government; but, under the circumstances above mentioned, they hesitate to support the recommendation of the Civil Judge that the value of the property robbed be made good out of the public money.

(True Extract.)

(Signed) C. F. CHAMIER,
Acting Register.

To the Chief Secretary to Government.

From T. W. GOODWYN, Esq., Civil and Session Judge of Salem; to C. F. CHAMIER, Esq., Acting Register to the Court of Sudder and Foujdaree Udalt, dated 20th January 1859, No. 2.

SIR,

1. I have the honor to request that the Judges will obtain the sanction of Government for the disbursement of Rupees 933-2-9* the amount of money deposited in the Salem Moonsiff's Court which was carried off by gang robbers on the 10th November 1858, vide Calendar and sentence in No. 1 of 1859.

2. The Moonsiff had for greater security kept the money in his house which is situated in the centre of Salem (opposite to the Police Ameen's residence) and was guarded by four Peons, and I do not think that he omitted to take any precaution which were likely to have secured the safety of the cash.

3. The Moonsiff at the same time lost property of his own to the amount of Rupees 4,330-15-10 and was very severely injured by the robbers.

4. The Acting Joint Magistrate reached the spot shortly after the gang left, but I regret to state that his exertions and those of the Police have been unable to recover any of the booty or obtain good evidence against more than two of the gang.

5. The cowardly conduct of the Police Ameen has been unredeemed by any subsequent activity in the discovery of the robbers and his conduct has been reported to the notice of the Magistrate.

Extract from the Proceedings of the Sudder Udalt, under date the 31st January 1859.

Read letter dated 20th instant, from the Civil Judge of Salem, requesting the Court to obtain the sanction of Government for the disbursement of Rupees 933-2-9, being the amount deposited in the Salem Moonsiff's Court, and carried away by robbers.

Fort St. George, Judicial Consultation, 22nd March 1859.

The Court of Sudder Udalt resolve to call upon the Civil Judge to state under what system of regulation the deposits in the Moonsiff's Courts are placed, and what check he hold over them.

The Civil Judge will also notice what sums in the statement forwarded with his letter should under existing rules have been sent to his charge, explaining at the same time his view of the District Moonsiff's reasons for withholding them.

Ordered that Extract from these Proceedings be forwarded to the Civil Judge of Salem, by Precept returnable within 10 days from and after its receipt.

(True Extract.)

(Signed) C. F. CHAMIER,
Acting Register.

In return to the foregoing precept which accompanied the Extract from the Proceedings of the Sudder Udalt under date the 31st ultimo, calling upon the Civil Judge of Salem, to explain under what system of Regulation the deposits in the Salem Moonsiff's Court had been placed &c., the Civil Judge has the honor to state that the deposits in the Salem Moonsiff's Court consist of the following items viz., penalties levied upon unstamped documents, Civil fines, parties money, Jail batta, and process peons' batta. The accounts of these items are received monthly and examined by the Sheristadar of the Civil Court when if the explanations offered for retaining any amounts in deposit are deemed unsatisfactory, orders are sent to remit the same to the Talook Treasuries or to hasten the disbursement.

Above 2 months		Rs.	A.	P.
Amount of decrees due to parties	313	7	4	
Do. value of jewels attached	98	4	0	
Jail Batta	32	11	2	
Eventual costs	9	0	0	
Balance of Jail batta	9	10	8	
Arrears of pay due to a process Peon	1	9	5	
Value of Cloth, &c.	0	1	8	
Under 2 months.		464	11	3
Amount of decrees	249	10	10	
Penalty	12	8	0	
Stoppage	0	8	0	
Fine	0	0	6	
Jail batta	2	3	0	
Arrears of pay due to a process peon	7	0	11	
Balance of batta	2	0	0	
Batta due to process peons in October	127	4	10	
Do. do. due up to 10th Nov.	67	3	4	
		194	8	2
		933	2	9

The sums noted in the margin, amounting to Rupees 464-11-3, should have been remitted to the Talook Treasury under the existing rules, but were detained in deposit for the reasons entered in the list submitted with the Civil Judge's letter of the 20th January last. The Moonsiff appears to have expected to have been able to disburse nearly all these sums speedily. Had he remitted them to the Tahsildar he might have had to recall them again shortly after, which would have occasioned delay and additional entries in the accounts. The Civil Judge considers the explanations given by the Moonsiff for retaining these sums to be satisfactory as a certain discretionary power must be permitted to Moonsiffs in retaining deposits likely to be soon required.

The rest of the amount entered in the statement forwarded with the Civil Judge's letter were received within 2 months.

Given under my hand and the seal of the Court at Salem, this 19th day of February A. D. 1859.

(Signed) T. W. GOOWYN,
Civil Judge.

(True Copies.)

(Signed) C. F. CHAMIER,
Acting Register.

Fort St. George, Judicial Consultation, 22nd March 1859.

Statement shewing the sums in charge of the Salem Moonsiff on the 10th November 1858.

Year, month and date when the sums were collected.	On what account.	Amount.			Remarks.
		Rs.	As.	P.	
1856. November 18th	Amount due to Aroonachellum under decree No. 16 of 1852.....	1	0	0	
	Do. due to Velliagunden under decree 132, 1852...	2	0	0	
1857. January 4th	Jewels attached pending Judgment in O. S. No. 806, 1856. 1 pair of gold Ear ornament. 1 do. 1 gold wire. 1 row of gold beads with a plate set with stones.	98	4	0	These Jewels had been held under attachment on account of the amount of plaint in Nos. 735, 1857. The attachment was only withdrawn in September 1858. The defendant did not afterwards appear and receive the jewels which were not sent to the talook cutcherry since they had to be made over to the defendant who was reported to be absent at Combaconum.
February 3rd	Amount due to Defendant in O. S. No. 224, 1854...	46	4	10	Though the defendants had been duly required to receive this amount, they refused to take it till the result of the appeal they have made to the suits is known. At the same time this amount was attached on account of the amount of decree No. 1176. The application for the enforcement of the said decree is still under investigation and therefore the said amount was not sent to higher Court.
March 17th	Jail batta due to Plaintiff Kristnien in No. 925, 1855.	1	8	0	
June 20th	Amount due to Defendant Narasien in O. S. No. 806, 1856.....	3	14	9	
July 9th	Amount due to the defendant's heir in O. S. No. 252, 1856 and some rags and ready cash.....	0	1	8	
Do. 22nd	Jail batta in O. S. No. 448, 1854 on the file of the Yadapady Moonsiff's Court.....	4	9	4	
September 16th	Amount received from the Darampoory Moonsiff for the execution of the decree in O. S. No. 77, 1856 on his file.....	5	2	6	
Do. 24th	Amount remitted by the Yadapady Moonsiff, being Jail batta &c., for executing decree in No. 109, 1857 of his Court.....	6	5	4	
October 23rd	Received from the Namageherry Moonsiff, being Jail batta &c., for executing decree in No. 32, 1854.	3	12	0	
Do. 27th	Produced by plaintiff's witness in No. 325 of 1857.	0	4	0	

instead

Fort St. George, Judicial Consultation, 22 March 1859.

Statement shewing the sums in charge of the Salem Moonsiff &c.—(Continued.)

Year, month and date when the sums were collected.	On what account	Amount.			Remarks.
		Rs.	As.	P.	
1857. December 19th	Amount of decree due to plaintiff in O. S. No. 416, 1853.....	6	2	6	As this sum is very small and plaintiff was expected to appear and take the sum the same, was not remitted to higher Court.
1858. January 30th	Jail batta and process-peon's batta received from Namacul Moonsiff for executing decree No. 533, 1855 on his file.....	4	0	0	
February 17th	Balance of Jail batta due to Plaintiff in O. S. No. 797, 1851.....	0	15	0	
March 31st	Amount collected under decree No. 568, 1855 but attached pending Judgment in O. S. No. 366, 1858.....	57	1	3	This sum has been claimed in O. S. No. 366, 1858 in which the witnesses were under examination. As the sum had to be paid after the settlement of the suit, the same was not remitted to the higher Court.
May 7th	Amount produced by defendant in O. S. No. 435, 1858 on account of the sum claimed.....	7	6	0	This suit not being as yet settled, the sum has not been paid to plaintiff. As it should be given to him as soon as decree is passed in his favor, the same was not sent to the higher Court.
June 3rd	Balance of Jail batta in O. S. No. 686, 1857.....	3	8	0	
Do. 30th	Amount due to plaintiff in No. 1376, 1857.....	15	6	0	Plaintiff's Vakeel reported that he will ask the plaintiff to come and take the money, consequently the amount was not remitted.
July 3rd	Amount of costs received from the higher Court to be paid to the decree holder in A. S. No. 96, 1857.....	9	0	0	Do.
Do. 21st	Batta due to Plaintiff in O. S. No. 32 of 1857.....	2	10	0	
Do. do.	Amount produced by the debtor in O. S. No. 1352, 1857.....	175	0	0	This sum could not be paid to plaintiff as he was at Sankerrydroog out of the Moonsiff's jurisdiction. The Vakeel stated that he would receive it after obtaining the plaintiff's Mookte-arnamah. He afterwards requested that the said sum might not be sent to the higher Court and stating that as he, plaintiff's instructions he would receive it after the full amount of the Razeenamah is recovered, gave an application to recover for him, the remaining sum due under the Razeenamah. This sum was not therefore sent to the higher Court.
August 26th	Amount of decree No. 543, 1858 due to plaintiff.	36	5	7	
September.. 15th	Jail batta due to plaintiff in O. S. No. 885, 8175...	0	5	0	

Fort St. George, Judicial Consultation, 22nd March 1859.

Statement shewing the sums in charge of the Salem Moonsiff &c.—(Continued.)

Year, month and date when the sums were collected.	On what account.	Amount.			Remarks.
		Rs.	As.	P.	
1858. September. 17th	Amount of decree due to Plaintiff in No. 1362, 1857.	5	0	0	
21st	do. do. in No. 636, 1857...	2	13	3	
October 11th	do. do. in No. 101, 1858...	157	4	3	
23rd	Amount of decree collected in No. 435, 1858.....	3	0	0	
23rd	Amount of stoppage from the 3rd Groomasta's salary.	0	8	0	
25th	Amount of penalty in No. 550, 1858.....	2	8	0	
26th	do. do. in No. 409, 1858...	2	8	0	
27th	do. do. in No. 496, 1858...	0	0	6	
27th	Fine levied.....	2	8	0	
28th	Penalty in No. 270, 1858....	7	12	0	
November 6th	Amount of decree in No. 340, 1857 due to plaintiff.	22	10	3	
6th	do. in No. 1417, 1857.....	7	7	0	
6th	do. in No. 1432, 1857.....	2	8	0	
9th	Penalty in No. 452, 1858....	2	0	0	
9th	Jail batta in O. S. No. 983, 1857.....	7	9	2	
10th	Amount of decree in No. 1231 of 1857.....	127	4	10	
	Amount of batta due to the batta peons in October.....	67	3	4	
	do. do. up to 10th November.....	11	10	8	
	Balance of batta paid by and to be returned to the Judgment creditor.....	8	10	4	
	Arrears of pay due to the process peon Teromagan-el Mahomed Hoossain....	933	2	9	
Total...		933	2	9	

E. E.
(Signed) VENCATRAMIAH, District Moonsiff.
E. E.
(Signed) T. W. GOODWYN, Civil Judge.
(True Copy.) C. F. CHAMIER, Acting Register.

ORDER THEREON, No. 371; dated 19th March 1859.
No. 28.
In the above recorded Proceedings of the Sudder Udalut, the Judges refer to Government the request made by the Civil Judge of Salem that certain monies and jewels, in deposit with the District Moonsiff, which had been carried away by a gang of Robbers in November last, may be disbursed from the Public Funds. The Judges demur to support the application on the grounds that the Moonsiff, in omitting to remit the funds stolen, to the Talook Treasury, and removing them instead to his own house, acted in breach of the rules of the service and at his own risk.

2. From the statement which accompanied Mr. Goodwyn's letter to the Sudder Udalut dated 20th January last, Government observe that many of the sums appear to have been in the Moonsiff's hands for months together—some for more than two years—and connecting this with the fact that the Moonsiff kept these monies at his own house, contrary to orders, consider his conduct to be very irregular, and that the loss should fall on him.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

4
Judicial Department.

N^o 344.

Extract from the Proceedings of the
Sudder Udalat. - dated 1st March 1859

For Orders.

It appears that the deceased
kept these premises at his
own house. - - - - -
but money of the same appears to
have been in his hands for some
months. - - - - -
2 years - - - - -

... but top and put on him
d. write

[Signature]

certainly - The very
fact of its being known
that he had all the money
in his house - probably
asked as we in due season
to the others - to see he
all ask -
that the fact must have
been near the household

5
Sketching of the Great Hallway -
Hall

Judicial Department.

No. 371
Extract from the Minutes of Consultation.
Dated. 19th March 1859.

Read Extract from the Pro-
ceedings of the Sudder
Mudalib.

Enter No. 20. 4th March 1859.

In the above recorded Pro-
ceedings of the Sudder Mudalib.
but, the Judges refer to Govt.
the request made by the Civil
Judge of Salem that certain
monies & Jewels, in deposit
with the District Moonsiff,
which had been carried a-
way by a Gang of Robbers in
Nov. last, may be disbursed
from the Public Funds. The
Judges demur to support
the application on the
grounds that the Moonsiff,
in permitting to remit the
funds stolen, to the Talook
Treasury & removing them
instead

instead to his own house,
he acted in breach of the
rules of the service & at his
own risk.

2. From the Statement ^{which} accom-
panied Mr. Goodwyn's letter
to the Sudder Udalur dated
20th January last, Govt. ob-
serve that many of the sums
appear to have been in the
Mooneiff's hands for months
together - some for more
than two years - & connecting
this with the fact that the
Mooneiff kept these monies
at his own house, contrary
to orders, consider his conduct
to be very irregular, & that
the loss should fall on him

JP

The Judges of the Sudder Udalur. 23rd 22nd

Copy of Hon. Mr. [unclear]
to the [unclear] [unclear]
[unclear] [unclear]

27428

Sept 22 1857
J. H. [unclear]

1857

Oct 20 1857

Nov 10 1857