

MADRAS RECORD OFFICE.

Government of Madras.

Princial DEPARTMENT.

G.O. No. 1274

Press
~~Mis.~~

24.28

Dated.

5-10-1917

Not to be folded or roughly handled

22/5/17

19

Fort St. George, Judicial Consultation, 6th October 1857.

No. 24. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Sudder and Foujdaree Udalt; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 15th September 1857, No. 89.

SIR,

1. The Judges of the Sudder and Foujdaree Udalt have directed me to request that you will lay the following circumstances before the Right Honorable the Governor in Council, with a view to such orders being passed thereon, as His Lordship may consider necessary.
 2. It was formerly the practice of the Court to *pass all their orders* on a perusal of the papers, as they came to the Judges *in circulation*; but, some years back this practice was abandoned, and all matters affecting the interests of the parties to Judicial proceedings were brought under consideration *in open Court*.
 3. This method of conducting business is advantageous both to the Court and to the suitors and other parties concerned; but it entails much personal labor and inconvenience upon the Judges, which it will be in the power of the Government to diminish, if they should see fit to comply with the present application.
 4. The inconvenience complained of arises from the fact of a *single translated copy* of the Special Appeal Petitions, Miscellaneous Petitions, Appeal and Special Appeal suits, having to be sent in circulation many days before the day of hearing, to enable the Judges to acquaint themselves with the leading facts of each case before it comes on.
 5. One Judge is thus necessitated to read the papers in a large number of motions, eight days before they are to be heard, in order that they may be circulated to the other Judges for perusal before hearing.
 6. To add to the difficulty of keeping in mind the varied circumstances of the several motions, twenty or thirty of which are posted for hearing on the same day, the Judges are called upon, before those have been disposed of, to peruse others set down for a subsequent day, and not unfrequently have the work of three Court days to prepare, at one and the same time.
 7. The inconvenience, however, does not end here. Having only one copy of the motion, and the papers connected therewith, a Judge at the hearing cannot refer at once to the record to satisfy himself on any point, but must wait until another Judge, who may be reading them at the time, has finished; and much valuable time is thus lost.
 8. In order to remedy these drawbacks, and facilitate the despatch of the judicial business of the Court, the Judges deem it very desirable that all motions and Appeals which require to be heard by more than one Judge, should be *printed*, and a copy supplied to each of the Judges, who are to be present at the hearing. In consequence of the gradually increasing work of the Court, the Judges now experience the very greatest difficulty in carrying on their labours with satisfaction, with only a single copy of petitions, &c., for their joint use.
 9. The Judges are of opinion that the additional expense which the printing of such papers would involve, might with advantage be covered by applying to that purpose the sums now monthly expended in publishing the Decrees of the Civil, Subordinate and Assistant Judges' Courts; which are rarely, if ever, perused, and can never form precedents; while they are generally printed too late to be used by the Sudder Udalt for reference, when the decisions of the lower Courts come before it in appeal.
 10. The manner in which the work of the inferior Courts is performed can also be better tested by a reference to the Judgments of the Sudder Udalt than by perusal of the Decrees of such Courts, as the merits of the latter are brought under review, and their defects pointed out in the appeal and special decisions of the higher Court. The Judges, therefore, recommend that, whether their present suggestion be adopted or not, the practice of printing the Decrees of the lower Courts be discontinued, as one involving great expense, unattended by any corresponding benefit.
 11. Should the Government concur in the advisability of all papers connected with judicial trials, not determinable by a single Judge, being printed, it will be necessary to consider whether it would be more economical and expedient to establish a Press for the sole use of the Sudder Court, or to have the papers printed at one of the existing Presses.
- ample work for a large sum*

12. The Judges consider that such papers, with the forms, Circulars, Sudder Udalut Decrees, Precepts, &c., now printed partly in the Government Press and partly in the Court Lithographic Press, would afford ample occupation to a new printing establishment; and as all the judicial papers would require to be ready by particular dates, they think it desirable that they should be executed by an establishment under their immediate control.

13. The Lithographic Press at the Sudder Court is worked at a monthly charge of 30 Rupees; and the original cost was Rupees 350. The average monthly expense of printing the Decisions of the lower Courts amounts to about Rupees 500. The saving which would be effected by the discontinuance of these two items of expenditure, amounting to Rupees 530, would probably cover the cost of printing the Judicial papers of the Sudder and Foujdaree Udalut, or of maintaining a separate printing establishment, after the first outlay had been incurred.

14. The Judges direct me to add that should the arrangements herein proposed not receive the sanction of the Government, they trust His Lordship in Council will at least authorize the entertainment of some additional writers to prepare extra copies of papers to be disposed of in Court, the inconvenience of the present system being so great as to render a change imperatively necessary. It will not fail, however, to be seen that there must always be an advantage in having such papers printed, which the mere multiplication of manuscript copies can never afford, viz., that they can, in print, be read with much greater facility, and, further that copies can more easily be supplied to the parties, at the same charge which they now pay for copies in manuscript.

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

No. 25. ORDER THEREON, No. 1274; dated 5th October 1857.

The Court of Sudder and Foujdaree Udalut here state, that owing to the increase in the work of that tribunal, the papers regarding the Motions, Miscellaneous, Regular and Special Appeal, which may require to be disposed of in open Court and by two or more Judges, have to be circulated with such rapidity from one Judge's house to another that it is with great difficulty those functionaries master the several points of each case; that again much valuable time is lost in Court by the Judges having before them single copies only of the papers; and that the multiplying copies of such documents, together with the publication of the Court's Decrees and Decisions in Civil and Criminal matters, the striking off of Forms, Circulars, &c., would afford ample work for a separate Printing Establishment, which they recommend should be set up in the offices attached to the Court House, in order especially that unfailing punctuality may be secured.

2. This establishment, it is anticipated, will not be attended with any additional expense. Indeed, under the plan recommended, a saving will probably be effected, while the business of the Court will be more expeditiously conducted. The Judges have already a small Lithographic Press (the cost of which was Rs. 350,) worked at a monthly outlay of Rs. 30. It is proposed to abolish this Press, and to put a stop to the publication of the Decisions of the lower Courts, the monthly expense of which comes to about Rs. 500. These Decrees, the Sudder Court state, "are rarely, if ever, perused, and can never form precedents; while they are generally printed too late to be used by the Sudder Udalut for reference, when the Decisions of the lower Court come before it in appeal."

3. The Sudder Court, it is observed, commenced printing their own Civil Decisions on the E. M. C. No. 580, dated 16th 1st July 1849, and the reports of Criminal cases determined by them, September 1851. on the 1st January 1851. It was in September of the latter year that Decrees in Civil cases of the Civil, Subordinate and Assistant Judges' Courts were published. The From Register Sudder Udalut, 18th August 1851. Government directed it at the suggestion of the Sudder Court, who thought it would prove "advantageous." They now think, and Government concur in the opinion, that the experience of six years has shown that no benefit proportionable to the outlay has arisen. On the contrary the shelves of the public offices are crowded with a mass of publications, which only lie there as so much lumber and are utterly useless for all purposes of reference and authority.

4. Such Decrees therefore will no longer be published. The Government agree with the Court that the Press should be under the Court's own control. A similar sanction was conveyed Public Department, No. 1363, to the Accountant General, on a former occasion. Mr. Smith, the E. M. C. 16th October 1855. Superintendent of the Government Press, will attend at an early day upon the Judges and ascertain what amount of establishment would be required to turn out the monthly work to be printed at the Court, and what sized Press, what quantity of type, &c., would be necessary. The cost of the Press would be met in part by the sale of the Lithographic Press above referred to, which the Acting Register of the Court will dispose of to the best advantage.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. F. Cartledge.

ample work for a separate establishment

Judicial Dept

No 1374

Wm. C. Underdate 5th October 1857

Read the following letter

From the Hon. Judge Sutherland to the Hon. Justice Aldrich

Here enter
No 89

15th Sept 57.

The CO. of L. & F. W. here state that owing to the increase in the work of the Tribunal, the papers regarding the motions, Miscellaneous, Regular & Special Appeal, which may require to be disposed of in Open Court & by two or more Judges, have to be circulated with such rapidity from one Judge's house to another that it is with great difficulty those functionaries make the several points of each case; but again much valuable time is lost in Court by the Judges having before them single copies only of the papers; and that he would supply copies of such documents, together with the publication of the Court's Decrees & Decisions in Civil & Criminal matters, the striking of Fines, Licenses &c would afford ample work for a separate Printing Establishment, which they recommend should

to the Court house, in
ally but unfailing punctuality
may be secured.

2. This estate, it is anticipated,
will not be attended with any ad-
ditional expense. Indeed, under
the plan recommended, a saving
will probably be effected, while
the business of the Court will be
more expeditiously conducted.

The Judges have already a small
lithographic Press (the cost of which
was Rs 350) worked at a monthly
outlay of Rs 30. It is proposed
to abolish this Press, and to put
a stop to the publication of the
decisions of the lower Courts, the
monthly expense of which comes to
about Rs 500. These decisions, the
Sudder C^t state, "are rarely, if
ever, perused, & can never form
precedents; while they are gene-
rally printed too late to be used
by the Sudder Adalat for reference,
when the decisions of the lower C^t
come before it in appeals."

3. The Sudder Court, it is observed,
commenced printing their own Civil
decisions on the 1st July /49, and

M. C. No 580
5/16th Sept /51.

From Pres-
Sudder Ad^t
18th / Aug /51.

the reports of Criminal Cases
determined by them, on the 1st
January /51. It was in Septem-
ber of the latter year that the
Decrees in Civil Cases of the
Civil, Subordinate and Appellate
Judges' Courts were published.
The Govt desired it at the
suggestion of the Sudder Court,
who thought it would prove "advan-
tageous". They now think, and
Govt concurs in the opinion, that
the experience of six years has
shown that no benefit propor-
tionable to the outlay has arisen.
On the contrary the shelves of the
public offices are crowded with a
mass of publications, which only
lie there as so much lumber,
and are utterly useless for all
purposes of reference & authority.

4. Such decrees hereafter will no longer
be published. The Govt agree with the C^t
that the press should be under the C^t's own
control. A similar sanction was
conveyed to the Asst Commr on a former
occasion. Mr. Smith, the Sup^t of the
Govt press will attend at an early day
upon the Judges to ascertain what
amount of estate will be required
to turn out the monthly work to be
printed at the C^t, & what sized
press, what quantity of type &c
will be necessary. The cost of the

Public Dept
No 1363
M. C. 16/Oct /55.

at house, in part
by Magistrate
Preps above referred to, which
he as Mag. & the Court will
dispose of to the best advantage.

Wm L. G.
30-9-57.

To the charge of the C. of M. & M. & M.
in charge of the C. of M. & M. & M. } Disposed of

C31 Sep
122 Oct

in the form: 6 October

judicial 1057 alpha

No 1074

Abstracts of the

2/5th October/57

Feb 858/52 Com. 12 June 1852 177458.
Feb 1746-157 Com. 10th Nov 1857 177456.
- 1839/57 - Com. 24th Nov 1857 177456.

Constructing with observed
= time, the 18th & 19th months
of a Springing crop for
the use of the Auditor General

Aug 22nd 1858 - Grace B. B.
 1/2nd of 1858 - Grace B. B.

24 + 25