M.R. G. I—32,000—16-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 855 Press

85—6

Dated 19 — 5 — 1926

Not to be folded or roughly handled

No. 5. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Sudr Udalut; to the Chief Secretary to Government, dated 17th January 1857, No. 7.

SIR,

1. In the 3rd para: of Extract from the Minutes of Consultation, dated 18th June 1856, it was intimated to the Court of Sudr Udalut that it would be competent to them to recur to the
Para. 10. proposal contained in their letter of the 4th of the same month, of substituting an Uncovenanted Assistant for the Covenanted Head Assistant, "if from the experience of the working of the Register's department with only two Covenanted Officers, or from the increase of business, such a measure should prove to be really necessary." A sufficient time having elapsed to enable the Judges to form an opinion as to the adequacy or otherwise of their present ministerial establishment, and an addition thereto appearing to them to be indispensably necessary, I am directed to request that you will lay before the Right Honorable the Governor in Council, the following considerations, on which the opinion of the Judges is based.

2. With reference to para. 2 of the above Minutes of Consultation, the Judges would observe, that during nearly the whole of the period which intervened between the Acting Head
21st April. Assistant's departure and the date of the Resolution of Government,
18th June. abolishing his office, the Civil side of the Court was adjourned; and that
May and June, the amount of business in the Register's Office was accordingly for the time greatly diminished. The Judges would, therefore, respectfully submit that the fact of no particular inconvenience having resulted from the temporary vacancy in their Register's office, cannot, under these circumstances, be considered as a fair argument that the work of the Register's Department can at all times be carried on by two Covenanted Officers without any Assistant.

3. It should further be borne in mind, that the Court of Sudr Udalut, in recommending the abolition of the situation of Head Assistant Register, advocated at the same time the appointment of a qualified Uncovenanted Assistant; and that in para. 8 of their letter, dated 4th June, they expressed their opinion that the business of the office was more than could with propriety be devolved upon two Officers. The experience of the last 6 months has proved that it is not in the power of the Register and his Deputy personally to accomplish all the business which, prior to that period, had always been transacted by the three Covenanted Officers.

Years.	Letters received.	Letters sent.	Mis. Petitions.	Sp. Ap. Petitions.	Appeals admitted.	Decrees.	Total.
1810	1683	510	63	0	5	6	2257
1856	5754	9166	1012	677	163	148	16920

4. It was in the year 1810, that three Covenanted Officers, were first appointed, viz., the Register, his Deputy, and his Head Assistant. The work of the Court amounted last year to *seven times* what it was at that period (as will be seen from the statement given in the margin,) a circumstance which is, at least, a powerful argument against the expediency of reducing the number of Officers in the Register's Department. A reference to the statistics of the Office has shewn that for the last eight years its business has been gradually on the increase, and the Judges see reason to believe that, far from there being any probability of its diminishing in future years, there is much more likelihood of a material increase taking place.

5. From the observations of Government in Extract from the Minutes of Consultation, dated the 18th June 1856, the Judges are led to infer that the account given in paras. 3 to 6 of their letter of the 4th June, of the distribution of the business in their Register's Office may not have conveyed an adequate idea of the important duties devolving on the Department. During the year 1856, no less than 9166 communications left the Office under the signature of the Register or those of his Deputy and Assistant; which gives an average of more than 30 per diem, reckoning that there were 300 office days in the year after deducting Sundays and Christian holidays. Some of these were mere Memoranda and Circulars; but the majority were orders of the Court or letters, requiring careful preparation. Not to encumber this communication with unnecessary details, the Judges will only refer to the time and labor required to be bestowed on the periodical returns. The quarterly Civil Reports are very voluminous, and contain a statement of the work performed by every Judicial Officer in the Presidency, from Civil Judges to the Moonsiffs, and it may here be stated that while in 1832, there

were 166 Courts of all denominations, at present there are 202. It is the duty of the Register's Department carefully to examine the Civil Returns, in order to ascertain whether the amount of business accomplished by each individual is satisfactory; and to draw out for the approval of the Judges a draft of proceedings remarking on any deficiencies or delays which may be apparent, and calling for explanations, which must also be scrutinized. Much time is necessarily occupied in these operations. A similar process has to be gone through with respect to the monthly criminal reports, and all illegalities, informalities, and delays noted down in a draft of proceedings for submission to the Judges.

6. In addition to the orders which left the Office, and which are referred to in the preceding para. there were many others recorded, rejecting Miscellaneous Petitions, &c., which had nevertheless to be duly drafted in the form of proceedings. There were also 148 Decrees passed by the Sudr Udalut, all of which had to be drawn out in due form in the Register's Department. Most of these judgments were given in Special Appeals, involving the perusal of the decrees of two lower Courts. The judgment alone is entered by the Judges, and the other parts of the decree showing the nature of the Suit, and the manner of its disposal by the lower Courts, &c., have to be prepared in the Register's Office. Allusion has been made in a previous letter to the annual report required by the Supreme Government, which necessarily occupies considerable time in preparation.

7. To place the matter in a more practical light, the Judges beg to state that, finding it impossible to keep pace with the business daily accomplished by the three Judges of the Court, with only the help of one Officer, the Register has, during the period that has elapsed, since the abolition of the Head Assistantship, been necessitated to throw upon the Manager much work which properly belonged to the Register's Department; and that in consequence of obtaining no corresponding relief from his own regular duties, the Manager has been obliged to perform the additional work thus cast upon him, *out of Office hours*. The Judges cannot but consider it objectionable, in principle, to allow any business to be transacted by the Office Establishment which should properly be performed only by the Register or his Assistants; nor do they think it just or prudent to overtax the strength of a public servant whose experience is of such value as that of the present Manager of the Sudr Udalut. The Judges are of opinion that the state of things here described should, without delay, be brought to a termination, and the Register's Department strengthened for the efficient discharge of its proper duties.

8. There is one more consideration which should be allowed some weight in this matter, or which at least should not be overlooked. The introduction of the Penal Code and new method of Criminal procedure, which will shortly take place, will necessarily entail a very large amount of extra labour on the Register's Department. The effects of a change of system on this office have already been shown by the vast increase of business which took place immediately after the promulgation of Act No. VII of 1843. The instructions which the Judges will have to issue will be very important, and the references which will require to be answered will, it may be expected, be very numerous. Added to this, the difficulty of reviewing the Criminal Reports will of course be much greater than when the Officers were familiar with the Criminal law, and it will consequently occupy much more time than at present.

Total amount of business	
1842	6961
1844	17279
Increase	10318

9. I am directed by the Judges to state in conclusion, that, looking to the yearly increase of litigation and crime, there is no present prospect of any material diminution being effected in the labours of their Register's department, and that the importance of the duties devolving upon the Officers composing it, requires that they shall not be hastily performed; which however must unavoidably be the case if only two Officers be expected to discharge them without arrears. The Judges being therefore of opinion that the services of a third individual are indispensable, beg to press again upon the consideration of the Right Honorable the Governor in Council, the recommendation contained in the closing paras: of their letter, dated 4th June last, that an Uncovenanted Assistant to the Register be appointed.

(Signed) GEORGE ELLIS,
Register.

Fort St. George, Judicial Consultation, 19th May 1857.

Statement of the present work on an average of 3 years, as compared with that of the Court of Sudr and Foujdaree Udalut 10 years previously.

	Letters received.	Letters sent.	Miscellaneous Petitions and motions.	Special Appeal Petitions.	Appeals admitted.	Decrees passed.	
1846	6183	5611	233	818	45	13	
Average for the last 3 years	5907	7595	535	1090	136	128	
Increase	,,	1984	302	272	91	115	
Decrease	276	,,	,,	,,	,,	,,	
						Net increase...	2488

(Signed) GEORGE ELLIS,
Register.

OFFICIAL MEMORANDUM.

With reference to his letter of the 17th Ultimo, No. 7, the Register of the Court of Sudr Udalut has the honor to forward the accompanying Statement of present work on an average of 3 years, as compared with that of the Court 10 years previously, prepared in conformity with the orders of the Government of India in the Financial Department, dated the 12th December 1856.

Sudr Udalut Register's Office,
6th February 1857.

(Signed) GEORGE ELLIS,
Register.

No. 6. ORDER THEREON, No. 554; dated 13th May 1857.

Ordered to lie over, in reference to the appointment of the Committee for enquiring into the efficiency of Establishments.

(Signed) E. MALTBY,
Acting Chief Secretary.

Hxd. F. Cartledge.

ascertain whether the amount of business accomplished by each individual is satisfactory; and to draw and for the approval of the Judges a draft of proceedings recording any deficiencies or delays which may be apparent and calling for explanations, which must also be sanctioned. Much time is necessarily occupied in these operations. A similar process has to be gone through with respect to the monthly Criminal Reports, and all illegalities, informalities, and delays noted down in a draft of proceedings for submission to the Judges.

6 In addition to the orders which left the office, and which are referred to in the preceding paragraphs there were many others recorded, repeating & consolidating petitions &c., which had nevertheless to be duly drafted in the form of proceedings. There were also 148 decrees passed by the Lds Commissioners, all of which had to be drawn out in due form in the Registrar's department. Most of these judgments were given on Special Appeals, reversing the Decrees of the decrees of the Lower Courts. The judgment alone as entered by the Judges, and the other parts of the decree showing the nature of the suit, and the manner of its disposal by the Lower Courts, &c., have to be prepared

and

on the Registers Office. Allusion has been made in a previous letter to the annual Report required by the Supreme Government, which necessarily occupies considerable time in preparation.

To place the matter in a more practical light the Judges beg to state that, finding it impossible to keep pace with the business daily accomplished by the three Judges of the Court with only the help of one officer, the Register has, during the period that has elapsed since the abolition of the Head Assistantships, been necessitated to throw upon the Manager much work which properly belongs to the Registers department; and that in consequence of obtaining no relief from his own regular duties the Manager has been obliged to perform the additional work thus cast upon him, out of office hours. The Judges cannot but consider it objectionable, in principle, to allow any business to be transacted by the office establishment which should properly be performed only by the Register or his Assistants; nor do they think it just or prudent to call on the strength of a public servant whose experience is of much value as that of the present Manager of the Sudder Dewanny Adawlut. The Judges are of opinion that the state of things here described should without delay be brought

Judicial Department

No. 103

From

The Register of the Sudder Dewanny Adawlut

Dated 19th January 1857

For Order.

5

No 554

Ordered Date over, in reference to the appointment of the Committee for enquiring into the efficiency of Establishments.

Fort St. George
13th May 1857

Sig.d Ed. Mallet
Sec.y to Govt.

To the Judges of the Prov.l Small Cause Court
Despd. 16th