

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 270-271	Press ~~Mis.~~
19-22	
Dated 28-2-1918	

Not to be folded or roughly handled

270

Fort St. George, Judicial Consultation, 1st March 1859.

Read the following letters.

No. 19. From C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalt; to T. PYCROFT, Esq., Chief Secretary to Government, dated 22nd September 1858, No. 84.

SIR,

1. The Judges of the Sudder Udalt having called for returns from the several Zillahs exhibiting the state of the District Moonsiffs' files, similar to the return submitted by the Civil Judge of Tinnevely; in view of which the Government were pleased in Extract from the Minutes of Consultation under date the 28th June last, to authorize the transfer to that Zillah of the additional Moonsiff's Court of Mangalore where extra aid was no longer required; direct me to report the result for the information of the Government.

2. In their letter of the 4th Ultimo, the Judges noticed that the average decisions given by the District Moonsiffs, on the merits, is twenty each per month; and that, for four suits decided on the merits, seven are usually disposed of in other ways. This would give an average of 240 suits on the merits, and 420 otherwise disposed of; or a total of 660 suits, which a District Moonsiff may be expected to clear off per annum.

3. From the returns herewith submitted it will be seen that there are but 41 Moonsiffs, out of the 119 employed in the several Zillahs exclusive of the Agencies, whose files fall within the said limit; while in 38 instances the number exceeds 900. The average for all is 803½ suits.

4. The total of the files of the 119 District Moonsiffs (those of the Agencies not having been taken into account) amounts to 95,609. The Subordinate Judge of Ootacamund and fourteen Moofy Sudder Ameens are furthermore authorized to do duty as District Moonsiffs, the labors of whom in this sphere may be taken, for the sake of calculation, at half that of a District Moonsiff. At the rate of 660 suits per Moonsiff, 83,590 suits would be met by the whole of the above functionaries, leaving 12,019 more than they can be expected to dispose of. To meet this surplus of suits, 18 additional Moonsiffs would be necessary.

5. That litigation is continually on the increase is apparent from the present returns, which show that while in the year 1843 the District Moonsiffs' files amounted to 58,904, in 1857 they were augmented by 36,705 suits. The rate per Moonsiff in 1843, the Judges observe, was 601 suits, there having then been 98 Moonsiffs. The increase of the establishment of District Moonsiffs it will be noticed has by no means kept pace with the increase of litigation.

6. In further illustration of the insufficiency of the present judicial organization generally, to meet the demands made upon it, I am directed to append a table of the work on the Civil side of this Court; from which it will be seen that the business has about doubled since the year 1843, while in the more serious part of the Court's labours, namely, the disposal of applications for the admission of special appeals, and the adjudication of suits, the work has increased between three and four-fold; and the practice adopted of late years of disposing of all petitions and suits by hearing in open Court, thus introducing oral pleadings, has furthermore greatly multiplied and lengthened the sittings of the Court.

7. Considering the preparation for these sittings, of which there are now four in every week, the writing up of judgments, the general correspondence, the supervision of the work of the lower Courts and Magistracy, and the decision of cases on the criminal side of the Court, all of which have to be met in the intervals between the sittings, the work it is evident has become too onerous for three Judges to perform, and the provision of an additional Judge has become necessary.

8. The Judges believe that the facts above submitted will be considered by the Government as rendering indispensable a very material increase to the judicial establishment, involving a largely increased expenditure, unless by some such re-organization of the tribunals as recommended in

Fort. St. George, Judicial Consultation, 1st March 1859.

their letter to Government of the 4th Ultimo, the operations of the Courts be made more simple and expeditious, and they therefore deem it their duty to bring the inconvenience of the alternative prominently before the Government, especially at the present moment, when it appears so desirable that the Legislative Council, occupied with the subject, should have the fullest information before it.

No. 20. From C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalt, to T. PYCROFT, Esq., Chief Secretary to Government, dated 13th December 1857, No. 125.

1. On the 22nd September last, I had the honor, by direction of the Judges, to bring to the notice of the Government the increasing amount of business devolving on the Sudder Udalt. By the Extract (communicated to the Sudder Udalt) of the letter of the 21st October 1858, from the Government of India to that of Bengal, it appears that the heavy work before the Bengal Sudder Court has led to the provision there, in time past, of three extra Judges, and that further assistance, of what nature it is not described, is now to be afforded them, pending the promulgation of the new Code of Civil Procedure.

2. The accompanying statement of this Court's work will show how largely it has increased of late years, and serve, the Judges trust, to demonstrate, that they also are in a position to require assistance.

3. The miscellaneous petitions, Civil and Criminal, have stood nearly at the same amount throughout the past ten years. The criminal trials have somewhat increased. In the other departments specified in the statement, the increase has been very serious. The average number of special appeal petitions falling to a Judge of this Court, during the five years from 1849 to 1853, was 147. The number for this year has risen to 643. The appeal suits, which are all heard by a full Court, have risen, in like manner, from an average of 80, for the said five years, to 205 for each Judge. The letters issued have amounted, on a like average and comparison, from 4,654 to 9,619.

4. It will be observed that it is in the more serious parts of the Court's business, namely the adjudication of petitions, suits, and criminal cases, that the Judges require assistance; and this can only be afforded by the appointment of an additional Judge. The new Code, when brought into operation, will, no doubt, lessen the files of special appeal petitions and the consequent appeals; but, in the meanwhile, the powers of the Judges are overtaxed, and arrears, or failure of health and strength to themselves, or both consequences must, they apprehend, be the result of leaving them without present assistance.

Statement of work in the Sudder and Fowjdaree Udalut.

Years.	Special Appeal Petitions.	Average for each Judge.	Sudder and Foujdaree Miscellaneous Petitions.	Average for each Judge.	Appeal Suits.	Criminal Trials.	Letters sent.
1849	234	156	940	627			
1850	180	120	814	543	65	136	3,233
1851	236	158	833	555	52	135	3,479
1852	197	131	796	531	99	154	5,052
1853	244	163	793	529	76	171	5,373
1854	397	262	1,080	720	107	157	6,133
1855	530	353	1,177	785	91	172	6,034
1856	677	451	1,012	675	154	184	7,584
1857	701	467	979	653	163	163	9,166
Probable for 1858. }	964	643	901	601	164	184	9,218
					205	176	9,619

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

13th December 1858.

Fort St. George, Judicial Consultation, 1st March 1859.

Statement of Suits filed in the several District Moonsiffs' Courts.

Zillahs.	Classes.	Districts.	1843.		1857.		Remarks.
			Under Above 20 Rs. 20 Rs.	Total.	Under Above 20 Rs. 20 Rs.	Total.	
Bellary.....	1st	Adonie...	534	216	750	345	687
	2nd	Taudmurry. ...	441	180	621	464	504
	3rd	Purabee. ...	296	184	480	367	474
	"	Narraindaverkerry ...	497	180	677	224	422
	"	Culleandroog. ...	465	123	588	350	345
Chingleput.....	"	Gootty ...	386	123	509	310	295
	"	Bellary...	...	...	1,714	431	624
	2nd	Trepasoor...	218	191	409	482	519
	3rd	Carangoollee...	198	117	315	179	221
	"	Canjeeveram. ...	176	117	293	283	327
Chittoor.....	1st	Vellore...	264	405	669	315	548
	2nd	Cholungur. ...	239	321	560	270	440
	"	Calastry. ...	337	217	554	305	324
	"	Trivuttoor...	306	243	549	251	512
	3rd	Goodeyatum...	626	457	1,083	218	536
Cuddalore.....	"	Chittoor....	...	...	...	253	450
	2nd	Cuddalore...	358	442	800	781	1,137
	3rd	Chedumbarum...	319	131	450	380	387
	"	Velloopoorum ...	247	254	501	454	571
	"	Chengee ...	384	224	608	410	314
Coimbatore.....	2nd	Coimbatore...	244	175	419	444	446
	"	Oodamulcottah. ...	341	378	719	270	480
	"	Ootacamund.. ...	71	34	105	...	...
	3rd	Cheyore ...	346	123	469	344	281
	"	Bhowany ...	512	114	626	427	338
Colligal..	"	Caroor ...	436	184	620	162	178
	"	Colligal.. ...	154	38	192	248	173

The information as regard suits below and above 20 Rs. are not forthcoming, the records having been destroyed by rains, &c.

Since established.

Abolished on the 5th January 1855.

Fort St. George, Judicial Consultation, 1st March 1859.

Statement of Suits filed in the several District Moonsiffs' Courts.-(Continued.)

Zillahs.	Classes	Districts.	1843.		1857.		Remarks.
			Under 20 Rs.	Above 20 Rs.	Under 20 Rs.	Above 20 Rs.	
Combaconum.....	1st.	Combaconum...	1,157	915	489	825	1,314
	2nd.	Kevalore ...	670	776	588	775	1,363
	3rd.	Velungaman ...	...	...	350	631	981
	"	Mayavaram ...	546	660	392	680	1,072
	"	Puttoocottah ...	693	366	601	466	1,067
	"	Munnargoody ...	401	299	480	379	859
	"	Trevady ...	561	465	1,067	738	1,805
	"	Nunneilum ...	...	...	583	521	1,104
	"	Sheally ...	...	...	255	320	575
	"	Tretooripoondy...	...	...	309	252	561
Cuddapah.....	1st.	Tranquebar ...	...	...	171	510	681
	2nd.	Cuddapah ...	505	245	488	604	1,092
	"	Goorumcondah.	508	260	538	629	1,167
	"	Nosum...	489	328	410	399	809
	"	Nundalumpett...	592	292	377	387	764
	3rd.	Cudree...	266	206	246	297	543
	"	Madenpully ...	200	290	4	16	30
	"	Tungatoor ...	431	209	454	468	922
	"	Cumbun...	509	246	272	258	530
	"	Vempully ...	...	...	202	259	461
Chicacole.....	"	Doovoor...	...	...	210	324	614
	"	Raichoty...	...	...	230	229	459
	2nd.	Chicacole...	359	196	273	246	519
	3rd.	Rayavaram...	563	140	439	261	700
	"	Teekely...	131	93	197	173	370
	"	Pooroushottapoor..	245	65	...	...	...
	1st.	Sernad ...	...	...	285	383	668
	"	Ernad...	333	149	348	432	780
	2nd.	Calicut ...	189	149	163	305	468
	3rd	Palghaut...	302	199	350	485	835
Calicut.....	"	Betutnad...	259	157	272	370	642
	"	Kootnad...	...	...	353	339	692
	"	Pynad ...	233	119	371	405	776
	"	...	...	...	...	...	...

These Courts were established only in 1852.

Abolished in 1847.
Since established.

Since establish hed.

Fort St. George, Judicial Consultation, 1st March 1859.

Zillahs.	Classes	Districts.	1843.		1857.		Remarks.
			Under 20 Rs.	Above 20 Rs.	Under 20 Rs.	Above 20 Rs.	
Guntoor.....	"	Nedoonganad ...	373	174	300	327	627
	"	Velliengode ...	382	245	341	298	639
	"	Chowghaut...	235	128	219	516	735
	"	Cacherry...	...	...	260	325	585
	"	Patamby ...	...	...	376	352	728
	"	Temelpoorum...	...	...	304	462	766
	4th.	Anjengo...	50	1	8	28	36
	1st.	Chabrole...	846	592	...	...	...
	2nd.	Sutanapully...	173	134	...	...	...
	3rd.	Chikaloorpetta.	202	194	...	...	...
Honore.....	"	Datchapully...	102	87	...	...	...
	2nd.	Bauputia...	...	...	458	623	1,081
	3rd.	Cauza ...	...	...	318	349	667
	3rd.	Carempoody ...	...	...	363	305	668
	2nd	Honore...	221	173	237	306	543
	3rd	Sircy...	67	216	324	303	627
	"	Cundapore ...	115	119	249	460	709
	"	Ankola ...	220	160	331	604	935
	"	Soopah...	258	172	244	260	504
	"	Coompta...	...	...	214	294	508
Madura.....	"	Bhutcul...	...	...	241	235	476
	"	Bilghy ...	...	...	239	190	429
	1st	Madura...	578	622	613	837	1,450
	2nd	Shevagunga ...	374	324	761	967	1,728
	3rd	Paramagoody...	246	323	200	557	757
	"	Dindigul ...	...	...	568	716	1,284
	1st&2nd	Mangalore...	208	326	500	698	1,198
	"	Bekul...	75	106	360	399	759
	2nd	Moolky...	...	...	300	248	548
	3rd	Oodpy ...	...	...	330	278	608
Masulipatam.....	"	Poottoor...	190	146	130	479	609
	"	Barcoor ...	380	333	340	519	703
	"	Caup ...	181	254	358	345	703
	"	Buntwal...	219	274	248	288	536
	"	Karkul...	...	...	276	351	627
	2nd	Masulipatam ...	728	433	649	632	1,281
	3rd	Ellore ...	254	178	432	468	900
	"	Bezarah ...	92	121	159	242	401
	2nd.	Ongole...	466	506	718	865	1,583
	3rd.	Goodoor...	524	373	500	471	971
Nellore.....	"	Caligerry ...	661	387	438	563	1,001
	"	...	...	...	...	...	...
	"	...	...	...	...	...	...
	"	...	...	...	...	...	...

Since established.

Do.

Do.

Old stations.

This Moonsiff exercises Criminal jurisdiction, new stations.

Since established.

This District Moonsiff exercises Criminal jurisdiction.

This District Moonsiff exercises Criminal jurisdiction.

Only established in July 1853.

There are two Moonsiffs at this station.

Established in 1853.

Established in 1853.

The Civil Judge recommends that this should be raised to a 2nd Class.

The Moonsiff also exercises Criminal jurisdiction.

Fort St. George, Judicial Consultation, 1st March 1859.

Zillahs.	Classes.	Districts.	1843.		1857.		Remarks.
			Under 20 Rs.	Above 20 Rs.	Under 20 Rs.	Above 20 Rs.	
Rajahmundry.....	1st.	Cocanada...	...	113	340	540	Established since 1843.
	2nd.	Rajahmundry...	251	250	386	432	
	3rd.	Peddapore...	347	331	274	405	
Salem.....	"	Anelapore...	316	331	481	519	
	"	Nursapore...	317	156	436	486	
	1st.	Kristnagerry...	843	352	602	442	
Tinnevely.....	"	Yadapudy...	366	98	384	222	
	2nd.	Ummappettah...	671	201	792	676	
	"	Nanikul...	440	180	507	353	
Tellicherry.....	"	Triputtoor...	343	173	209	264	
	"	Ossoor...	529	336	628	520	
	"	Nangherypett...	...	...	334	229	
Trichinopoly.....	3rd.	Durmapoor...	...	...	591	555	
	2nd.	Nellumbalum...	55	170	275	797	
	3rd.	Nadoonudalum...	252	292	331	624	
Trichinopoly.....	"	Bromadasem...	126	165	388	513	
	"	Tellicherry...	174	201	299	622	
	2nd.	Cartenaud...	200	171	292	430	
Trichinopoly.....	3rd.	Irvenaud...	176	202	306	441	
	"	Cayve...	155	193	310	538	
	"	Wynaud...	48	66	135	290	
Trichinopoly.....	2nd.	Conaud...	387	114	522	938	
	3rd.	Toriore...	230	168	415	402	
	"	Arealore...	435	603	598	326	

Established in 1853 and 1854.

The additional Moonsiff of Mangalore is to be transferred to this Zillah.

This District Moonsiff exercises Criminal powers.

(Signed) C. F. CHAMIER,
Acting Register.Sudder Udalt, Register's Office,
22nd September 1858.

Fort St. George, Judicial Consultation, 1st March 1859.

Statement of work performed by the Court of Sudder and Foujdaree Udalt.

Years.	Special appeal petitions.	Appeal suits.	Total.	Miscellaneous petitions.	Grand Total.
1843.....	215	38	253	612	865
1857.....	742	173	915	753	1,668

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

No. 21. ORDER THEREON, No. 270; dated 28th February 1859.

In the first of the foregoing letters the Sudder Udalt refer to the numerical insufficiency of the present Moonsiff Courts, and to the increase of work in the Sudder itself; remarking in conclusion that they believe "that the facts above submitted will be considered by the Government as rendering indispensable a very material increase to the judicial establishment, involving a largely increased expenditure, unless by some such re-organization of the tribunals as recommended in their letter to Government of the 4th August last, the operations of the Courts be made more simple and expeditious." In the second letter, tables are given, showing the state of the business pending in the Sudder Court now as compared with past years, and application is made for the appointment of a fourth Judge.

2. The Governor in Council is not prepared to move the Supreme authorities, to strengthen the Judicial service to the extent proposed by the Sudder Udalt, nor indeed to take any steps at all for the present in the direction indicated. With the many changes now under discussion, he would prefer to wait until he is in a position to form from experience an estimate of the results that must ensue from the alterations in progress.

3. The correspondence will, however, be submitted to the Member for Madras of the Legislative Council. It is observed that the Sudder Court's letter of the 4th August last, above referred to, was forwarded to Mr. Forbes, with the Minutes of the Members of Government, on the 22nd January last, and their letter of the 14th January No. 5 on the Bill for the establishment of Small Cause Courts was transmitted under date the 8th Instant, accompanied by the observation of Government thereon.

(Signed) T. PYCROFT,
Chief Secretary.

No. 22. To H. FORBES, Esq., Member for Madras of the Legislative Council of India, Calcutta, dated Fort St. George, 28th February 1859, No. 271.

SIR,

Referring to the Code of Civil Procedure now before the Council, the Governor in Council desires me to transmit copies of two letters from the Sudder Udalt, dated respectively the 22nd September and 13th December last, pointing out the inadequacy of the judicial establishment under the present system.

2. These communications have been reviewed by Government in Extract Minutes Consultation, No. 270 of this date, copy of which also accompanies.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Issued Sept 26

No 1701

From the Acting Register to the Court of Super
Intendents

Dated 22 September 1858

For Orders

What does Mr. Monahan say?
This is no time for entertaining such
proposition unless he will sign a receipt
and be sworn for it. W. H.

I should like to see a letter or
note subject sent up by the
Court - in 1855 - W. H.

I greatly prefer the former

in operations such as being attached
to each & de - life and the fact that
the foundation of the society to be a sacred
sacrament, but the project was in
in operation -

A. D. L. has decided that under the
at least 104 in the month of at the top
to London which is in a place where
decided by the church to make a
point -

I would not accord to the application
were made upon the fact that there
to many changes now made in the work
the fact showed it is better to wait
until they were able to find some of the
superior of
the results that must arise from the alterations
in progress. Well

2^d Desk

My dear Mr. Michael
These papers
you mentioned with
the society - I found
this morning - some
one had put
them away - which
of it a violation
had I do not
know

Memo:

From Sudder Adalat No 84. d/22nd Sept 59.

This letter returned from
Circulation on the 2nd instant.
The papers called for by Hon. Secy
Mr. Mordaunt & not immediately
is found by the Sudder, as the
subject / Mordaunt's Court /
was only one of many treated
of by the Sudder CE in their
letter of 55 referred to by Mr. M.
2. The report to the 'Mordaunt's Court' -
"Cause Court Bill" - it was ordered
to be reported - which brings a
Bill to be perambulate stage -
as far back as the 9th June 55.
During 56 and 57, the subject
remained in a bygone. The family
is just beginning to stir in it again, &
as appears from the newspapers,
but these proceedings have not yet
reached us, officially.
3. The Sudder's letter of the 6th August, 59
which they refer to in their present one,
as containing their views on the necessity
of regarding the different tribunals,
is still in circulation.

D. F. 13/12

It has since been referred
to the Govt and their
views upon it are
concurrent with those
of the Sudder Court
of the 10-2-59.

The Minutes of the Memo
- Govt on their letter
have lately been
sent to Mr
Forbes JP.

that the letter
is of much use
2 to 3 pages - but
it is very poor
2 pages - I think
Mr. Mordaunt
5-5-59
D. F. 13/12

[Faint, mostly illegible handwritten text on the left page, possibly bleed-through from the reverse side.]

Judicial Sept 9

No 270.

Vol. 5/28 February 1859.

Remits the following letter to the Hon. Mr. Justice G. C. S. } here enter No 84
 from the Hon. Mr. Justice G. C. S. } d/22 Sept 58
 and No 125 d/13 Dec 58.

In the first of the foregoing letters the Hon. Mr. Justice G. C. S. refers to the numerous deficiencies of the present Magistrate Court, & to the increase of work in the Sudder itself; remarking in conclusion that they believe that the facts above submitted will be considered by the Govt as rendering it imperative that a very material improvement to the judicial establishment, involving a largely increased expenditure, unless by some such reorganization of the tribunals as recommended in his letter to Govt of Madras, August last, be operationally made more simple & expeditious. In the second letter, tables are given, showing the state of the business pending in the Sudder Court even as compared with last year, & an application is made for the appointment of a fourth Judge.

2. The G. in C. is not prepared to move the Supreme authorities, to strengthen the Judicial service to the

C 13 Dec/58
 R 10 Feb/59

estimates proposed by the Sudder
Adalat, nor indeed to take any
steps at all for the present in the
direction indicated. It is true
many changes must needs dis-
cuss, he will prefer to wait
until he is in a position to form
from experience an estimate of
the results that must ensue
from the alterations in progress.

3. The correspondence will, however,
be submitted to the Members of
Adalat of the Legislative Council.
It is observed that the Sudder Ch.
Return of the 6th August last, above
referred to was forwarded to Mr.
Foster with the Minutes of the
Members of Govt. on the 22nd Jan.
last, and his return of the 14th
Jan. 1858 on the Bill for the
Establishment of Small Cause Courts
was transmitted under date
the 25th inst. last, accompanied
by the observations of Govt. Members.

To the Sudder Adalat - Supd 2^d

JP

52H-10/2/59

Order is made that the following

Letters be despatched

Supd 2^d
with 1 Enclosure

No. 271/2/59

10
Judicial Dept

From Chief Secy

To Members

of the Legislative Council

Sir,

Referring to the Code of Civil
Procedure now before the Council,
the Govt. desires me to transmit
copies of two letters from the Sudder
Adalat of respectively the 22nd
Sept - & 13th Decr last, pointing
out the inadequacy of the Judicial
establishment under the present system.

2. These Minutes have been reviewed
by Govt. in Enc. No. 271/2/59 this date,
copy of which also accompanies.

Yr. Obedt. Servant,
28 February, 1859

JP

52H-10/2/59

in Dr. to Court: 1st March.

1892

Contract. David. of Bond.

2^d The Member for Chard,
of the Legislative Council

21/28 de bruary 1857.

Transmitted copy of

C10 Lb
R15 ~