

## MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT

|          |           |       |
|----------|-----------|-------|
| G.O. No. | 618       | Press |
| 52-54    |           | Mis.  |
| Dated    | 18.5.1860 | 11    |

12/13

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,  
for the month of May 1860.*

No. 52. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 14th April 1860, No. 35.

1. I am directed by the Judges of the Sudder Court, to submit for the consideration of the Government, the question involved in the accompanying correspondence with the Gazette Press, as to the most appropriate method of spelling the word "Sudder."

2. The Judges remark that there is an important distinction between this and other Vernacular terms. Having been selected by the Legislature to designate the highest Court of Appeal, this is, strictly, the only legal way of styling that Court; and the Judges therefore feel it incumbent upon them in all Judicial proceedings to use the term "Sudder Court," as it is called in Act VIII of 1859. The Government may consider this a sufficient reason for allowing the word to be spelt in the same way in all Notices, Memoranda, &c., sent for publication in the Gazette.

3. The Judges further think that the same Rule should be applied in the case of the Lower Courts, each Court being styled according to the designation given to it in the Regulations and Acts, as, *Principal Sudder Ameen, Mufly Sudder Ameen, District Moonsiff, &c.*

MEMORANDUM.

The Registrar of the Sudder Court requests the Superintendent of the Government Press not to allow any alterations to be made in the Memoranda, Notices, &c., sent from the Court for publication in the Gazette. Some person in the Press always alters the word *Sudder* into *Sadr*, though the former is correct.

SUDDER COURT,  
REGISTRAR'S OFFICE,  
4th April 1860.

(Signed) C. F. CHAMIER,  
Registrar.

MEMORANDUM.

With reference to Memorandum from the Registrar of the Court of Sadr Adalat, dated 4th April 1860, on the subject of spelling the word "Sadr" in the various memoranda of appointments, &c., printed in the Fort Saint George Gazette, the Superintendent of the Government Press has the honor to solicit the attention of the Registrar to Rules 2 and 4, paragraph 4, of Order of Government in the Public Department, No. 1404, dated 12th September 1859. These Rules were forwarded to the Superintendent Government Press for his guidance; he has also received orders to spell all words uniformly in the Gazette; and His Excellency the Governor has repeatedly pointed out that the mode of spelling "Sudder" is wrong—directing "Sadr" to be used instead. Under these circumstances the Superintendent, Government Press, is entirely precluded from introducing the former style of spelling (except for "names of places stereotyped by long usage") into the Official Gazette; although, of course, if desired by the Court of Sadr Adalat, all Native terms used in their Judicial papers may be printed as written by the Translators.

FORT SAINT GEORGE,  
GOVERNMENT PRESS OFFICE,  
12th April 1860.

(Signed) H. SMITH,  
Superintendent Govt. Press.

(True Copies.)

(Signed) C. F. CHAMIER,  
Registrar.

No. 53. MINUTE BY THE HONORABLE THE PRESIDENT, dated 7th May 1860.

In this letter the Judges of the Sadr Adalat observe that the term "Sudder Court" having been "selected by the Legislature" (in the most recent enactment) "to designate the highest Court of Appeal, this is, strictly, the only legal way of styling that Court."

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for the month of May 1860.*

If this *obiter dictum* expresses the law of the case, then the late appointment of Mr. Frere to the "Sadr and Faujdari Adalat" is illegal; and by consequence all his official acts will be illegal, and not only that, but he will vitiate all the Proceedings of the Court in which he may have any part.

Though these results are sufficiently startling, the novelty of the doctrine propounded in the foregoing extract is not less so. The following remarks will show that the Legislature has never been careful to follow one uniform system of transliterating Indian words; that it has spelt the same words differently, not at different periods, but at one and the same; and that the like liberty has been taken by the highest Court in its Decrees, Circular Orders and Constructions.

\* In Regulation XXV of 1802, Section IV gives "Lakeraj," Section XII Lakeraj.—(Campbell's Code).

Up to the present time, these authorities have contented themselves with the meaning of the term being generally understood, leaving it to the draftsman to spell it in any way which engaged his fancy.

The Regulation which establishes the Chief Court of Civil Judicature is V of 1802, where it is styled "Sudder Adawlut." This spelling continued till 1807, when, in Regulation III of that year, we read for the first time of the "Sudr Udalut." This appellation hardly lived the average time, for in Regulations VII, VIII and XII of 1809, we make acquaintance with "Sudr Udalut."

In 1811, however (Regulation II), "Sudder Udalut" is permitted to see the light, to be speedily extinguished by Regulation III of 1816, where we rejoin our old friend, the Court of "Sudder Adawlut." This again is changed the same year (Regulation XIV) into "Sudder Udalut," after which the principal alterations are as follows:—

"Sudr Udalut," Regulation I of 1828 and VIII of 1831.

"Sudder Adawlut," Act XI of 1836.

"Sudder Udalut," Act XXVII of 1836.

"Sudder Adawlut," Act XXXV of 1837.

"Sudder Court," Act VIII of 1842. (This merely enacted that, when the Legislature had occasion to pass a law generally applicable to all the Presidencies, it might use the term "Sudder Court" to indicate the Courts of the highest Civil and Criminal Jurisdiction in the several Presidencies.)

"Sudder Udalut," Act III of 1843 and Act VIII.

Amidst all these changes what has been the position taken by the Court itself? It has varied, and that without any show of reason. Its Decrees are styled as of the "Sudder Udalut," though this mode of spelling was only the fourth in succession, originating in 1811 and expiring in 1816. The last edition of its Circular Orders, certified on the title page to have been "revised and corrected in the Register's Office," is also styled "The Circular Orders of the "Sudder Udalut." But on opening the first page we come again on the "Sudr Udalut," and the Court is so styled in every Order from the 10th December 1805 to the 17th December 1855, or a period of fifty years. This is a good prescription; nevertheless in the Appendix we find the word spelt "Sudder;" for which atonement is made in the Index which repeats "Sudr."

The position in which we stand is this. The official jargon which more or less prevails in every part of the British dominions in India, had in the Madras Presidency been carried to excess owing to the great number of different languages in use in the South, of India. Half a dozen Native equivalents, each of which was spelt in a dozen different ways, were often used for the same official term. A Committee of Madras Civil Officers, who had commenced their undertaking previously to my arrival, laboriously worked out a remedy for this inconvenient and discreditable state of things. The Government substantially adopted their recommendations, and directed that English terms should be used as far as possible; and that, when it was necessary to use Native terms, they should be uniformly spelt according to the orthography of Wilson's Glossary which had been furnished by the Court of Directors to all principal Civil Officers. This decision has been formally approved by the Secretary of State whose Despatch has been published in the

*Proceedings of the Madras Government, Judicial Department,  
for the month of May 1860.*

Gazette. The evil has been already to a great extent remedied and in a few months, what was at first strange to some, will become a habit to all.

This is not a case in which there can be any retracing of our steps. If we yielded to the representation of the Sadr Court, all the ground that has been gained would be lost, and we should be involved again in uncertainty and confusion. As already shown, that representation does not rest on any solid foundation. Two of the Judges were absent at the time it was made, and one of these, Mr. Strange, could not have joined in the representation even if he had been present, because we know from the Title Page to his Report upon the amalgamation of the Courts that his way of spelling it is "Sudr," which is an approximation to the correct system. As the Secretary of State has given notice of his intention to bring in a Bill after Easter for the formation of a single "High Court," the question will soon belong to the past.

(Signed) C. E. TREVELYAN.

No. 54. ORDER THEREON, 18th May 1860, No. 618.

In the letter above recorded, the Judges submit a correspondence with Mr. Smith, Superintendent of the Government Press, in respect to the method of spelling the official appellation of their Court, i. e., whether as Sadr or Sudder.

2. The Judges observe, that there is an important distinction between this and other Vernacular terms. The term Sudder having been selected by the Legislature to designate the highest Court of Appeal, is, strictly, the only legal way of styling that Court. They further think that the same Rule should be applied in the case of the Lower Courts, each Court being styled according to the designation given to it in the Regulations and Acts; as, *Principal Sudder Ameen, Musty Sudder Ameen, District Moonsiff*.

3. This opinion would seem to imply that there is but one mode of spelling these terms known to the Law, or which can be recognized as of legal validity. A reference to the Madras Regulations, Acts of the Legislative Council will, however, disprove this assumption and will

show that the Legislature has never been careful to follow one uniform system of transliterating Indian terms; that it has spelt the same words differently, not at different periods, but at one and the same.

See Regulation XXV of 1802.  
Section IV gives Lakeraj.  
Section XII, Lakeraj, (Campbell's Code.)

The same liberty has been taken by the Highest Court itself in its Decrees, Circular Orders and Constructions. Up to the present time indeed these authorities have contented themselves with the meaning of the term being generally understood, leaving it to the Draftsman to spell it in any way which engaged his fancy.

4. The Regulation which establishes the Chief Court of Civil Judicature is V of 1802, where it is styled "Sudder Adawlut." This spelling continued till 1807, when in Regulation III of that year, Government read for the first time of the "Sudr Udalut." This appellation hardly lived the average time, for in Regulations VII, VIII and XII of 1809; Government find "Sudr Udalut." In 1811, however (Regulation II) "Sudder Udalut" re-appears to be speedily extinguished by Regulation III of 1816, which reverts to the Court of "Sudder Adawlut." This again is changed the same year (Regulation XIV) into "Sudder Udalut," after which the principal alterations are as follows:—

"Sudr Udalut," Regulation I of 1828 and VIII of 1831.

"Sudder Adawlut," Act XI of 1836.

"Sudder Udalut," Act XXVII of 1836.

"Sudder Adawlut," Act XXXV of 1837.

"Sudder Court," Act VIII of 1842.

"Sudder Adawlut," Act III of 1843, and

"Sudr Udalut," Acts VII, VIII, 1843.

5. Nor has the practice of the Court itself been more consistent. Its Decrees are styled as of the "Sudder Udalut," though this mode of spelling was only the fourth in succession, originating in 1811 and expiring in 1816. The last edition of its Circular Orders, certified on

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for the month of May 1860.

the title page to have been "revised and corrected in the Registrar's Office," is also styled "the Circular Orders of the 'Sudder Udalut.'" But on opening the first page there appears the "Sudr Udalut," and the Court is so styled in every Order from the 10th December 1803, to the 17th December 1855, or a period of fifty years. This is a good prescription; nevertheless in the Appendix is found the word spelt "Sudder," for which atonement is made in the Index, which repeats "Sudr."

6. The above remarks will show what little weight is due to the arrangement that the style of the Sadr and other Courts should be that by which they are designated in the Regulations and Acts and what would be the result of carrying out that principle.

7. The case stands thus:—The official jargon which more or less prevails in every part of the British Dominions in India, had in the Madras Presidency been carried to excess, owing to the great number of different languages in use in the South of India. Several Native equivalents, each of which was spelt in many different ways, were often used for the same official term. A Committee of Madras Civil Officers, laboriously worked out a remedy for this inconvenient and discreditable state of things. The Government substantially adopted their recommendations, and directed that English terms should be used as far as possible; and that, when it was necessary to use Native terms, they should be uniformly spelt according to the orthography of Wilson's Glossary which had been furnished by the Court of Directors to all principal Civil Officers. This decision has been formally approved by the Secretary of State whose Despatch has been published in the Gazette. The evil has been already to a great extent remedied and in a few months, what was at first strange to some, will become a habit to all.

8. Under these circumstances the Government are not prepared to accede to the recommendation of the Judges. Their Court can only be designated in the Orders of Government or in the Government Gazette as the Sadr Court.

(Signed) T. PYCROFT,  
Chief Secretary.

Exd. S. T. Augustin.

Minute by the Honorable the President.

In this letter the Judges of the Sadr Adalat observe that the term 'Sudder Court' having been selected by the Legislature (in the most recent enactment) to designate the highest Court of appeals, this is, strictly, the only legal way of styling that Court.

If the objection directed against the law of the case, then the late appointment of Mr. Justice to the Sadr and Sudder Adalat is illegal; and by consequence all his official acts will be illegal, and not only that, but he will vitiate all the Proceedings of the Court in which he may have any part.

Though these results are sufficiently startling, the novelty of the doctrine propounded in the foregoing extract is not less so. The following remarks will show that the Legislature has never been careful to follow one uniform system of transliterating Indian words; that it has spelt the same words differently, not at different periods, but at one and the same; and that the like liberty has been taken by the highest Court in its decrees, Circular orders and Instructions.

Regulation XX of 1802. Section IV gives 'Lakheraj'—Section XX 'Lakheraj'—(Crompton's Glossary)

Up to the present time, the  
Authorities have contented themselves with  
the meaning of the term being generally  
understood, leaving it to the Draftsman to  
spell it in any way which engaged his  
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The Regulation which establishes  
the Chief Court of Civil Jurisdiction is of  
1802, where it is styled *Judex Adawlut*. This  
spelling continued till 1807, when in Regulation  
III of that year, we read for the first time  
of the *Judex Udalut*. This appellation hardly  
lived the average time, for in Regulations VII,  
XII and XII of 1809 we make acquaintance  
with *Judex Udalut*.

In 1811 however (Regulation III)  
*Judex Udalut* is permitted to see the light,  
to be speedily extinguished by Regulation III of  
1816, where we again our old friend, the Court  
of *Judex Adawlut*. This again is changed  
the same year (Regulation XIV) <sup>into</sup> *Judex*  
*Udalut*, after which the principal  
alterations are as follows.

*Judex Udalut* Regulation I of 1821 and VIII of 1821.

325  
*Judex Adawlut* Act XI of 1836.  
*Judex Udalut* Act XXVII of 1836.  
*Judex Adawlut* Act XXXV of 1837.  
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*Judex Udalut*. But on opening the first page  
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Court is so styled in every order from the 11<sup>th</sup> De-  
cember 1805 to the 17<sup>th</sup> December 1855, or a period  
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of fifty years. This is a good prescription; nevertheless in the Appendix we find the word spelled Sudder, for which atonement is made in the Index which repeats Sudder.

The position in which we stand is this. The official jargon which more or less prevails in every part of the British dominions in India, has in the Madras Presidency been carried to excess, owing to the great number of different languages in use in the South of India. Half a dozen native equivalents, each of which was spelt in a dozen different ways, were often used for the same official term. A Committee of Madras Civil Officers, who had commenced their undertaking previous to my arrival, laboriously worked out a remedy for this innumerable and discreditable state of things. The Commission was substantially adopted. Their recommendations, and directed that English terms should be used as far as possible; and that, when it was necessary to use native terms, they should be uniformly spelt according to the orthography of Wilson's Glossary which had been furnished

2. 380  
by the Court of Directors to all principal Civil Officers. This decision has been formally approved by the Secretary of State whose Dispatch has been published in the Gazette. The evil has been already to a great extent remedied and in a few months, what was at first strange to some, will become a habit to all.

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with you belong to the past.

dear Mr. Morgan

Madras 7<sup>th</sup> May  
WBO

So long as the term makes use of  
is thoroughly understood by the  
community at large the spelling  
of "Ludder Adamant" (this is my  
copy) is a mere matter of fashion.  
- Alice -

Q

I do not concern me  
with a decision in these lines  
of argument - I do not  
know for me of the many  
certainties by general opinion  
I would not therefore  
submit to the matter  
y<sup>h</sup>

211 July  
1860 53

Records, certain  
matters relative  
to the mode of styling  
the said Court.

10/7/02.

20 May 1860.

by the Honorable the  
President.

Minutes

Special 10/10/02

20 May

618  
60

3A

Judicial Department.

Proceedings of the Madras Government

Read the following Papers:—

from the Registrar of the Sadar Court (Here enter in April 1860, No. 35)  
Minute by the Honble the President— — — 7 May 1860.

Order thereon

18 May 1860, No. 618.

In the letter above re-  
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correspondence with Mr.  
Smith Superintendent of  
the Government Press in res-  
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The Judges observe, that  
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They further think that  
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Lower Courts, each Court  
being styled according to  
the designation given to it  
in the Regulations and  
Acts, as, Principal Sudder  
Adwait, Muftee Sudder  
Adwait, District Munsiff

3. This opinion would  
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In 1811, however (Regulation II) "Sudder Udalut" is permitted to ~~be~~ <sup>the</sup> light, to be speedily extinguished by Regulation III of 1816, where ~~good~~ <sup>good</sup> ~~repeal~~ <sup>repeal</sup> their old friend, the Court of "Sudder Adalut". This again is changed the same year (Regulation XIV) into "Sudder Udalut", after which the principal alterations are as follows:-

- "Sudr Udalut": Regulation I of 1828 & VII of 1831.
- "Sudder Adalut": Act XI of 1836.
- "Sudder Udalut": Act XXVI of 1836.
- "Sudder Adalut": Act XXX of 1837.
- "Sudder Court": Act VIII of 1842.
- "Sudder Udalut": Act III of 1843.
- "Sudr Udalut" Act XII of 1843.

5. - Nor has the practice of the Court itself been more consistent. Its decrees are styled as of the "Sudder Udalut", though this mode of spelling was only the fourth in succession, originating in 1811 and expiring

expiring in 1846. The last edition of its circular orders, certified on the title page to <sup>have</sup> been "Revised and corrected in the Registrar's office", is also styled "The Circular orders of the Sudder Udalut". But on opening, the first page ~~we see~~ <sup>there appears</sup> the "Sudr Udalut", and the Court is so styled in every order from the 10th December 1805 to the 17th December 1855, or a period of fifty years. This is a good prescription; nevertheless in the appendix ~~we find~~ <sup>is found</sup> the word spelt "Sudder", for which alteration is made in the index which repeats "Sudr". The above remarks will ~~show~~ <sup>show</sup> what little weight is due to the argument that the style of the ~~Sudr~~ and other Courts

Courts should be that by which they are designated in the Regulations and Acts, and what would be result of carrying out that principle.

7- The case stands thus. The official jargon which more or less prevails in every part of the British dominions in India, had in the Madras Presidency been carried to excess, owing to the great number of different languages in use in the South of India. <sup>Several</sup> ~~Half a dozen~~ native equivalents, each of which was spelt in <sup>many</sup> ~~a dozen~~ different ways, were often used for the same official term. A Committee of Madras Civil officers, who had

commenced their undertaking previously to my arrival, laboriously worked out a remedy for this inconvenient and discreditable state of things. The Govt. subsequently adopted their recommendation, and directed that English terms should be used as far as possible, and that, when it was necessary to use native terms, they should be uniformly spelt according to the orthography of Wilson's Glossary which had been furnished by the Court of Directors to all principal civil officers. This decision has been formally approved by the Secretary of State whose dispatch has been published in the Gazette. The evil has been already to a great extent

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8. - Under these circum-  
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mendation of the judges.  
Their Court can only  
be designated in the  
orders of Government  
or in the Government  
Gazette as the Sadr  
Court. -

To the Lady Abbat. Sept. 25.

(The text is extremely faint and illegible, appearing to be a list or a series of entries.)

Авраам.

20 May

Judicial 8810 8444

No 110

Proceedings of Court

9/18 May/100

27th 9/10.

Under the circumstances  
which Court are not pre-  
pared to recede to the  
recommendations of the  
Judge of the last Court  
in respect to the effecting  
of the said order. Now  
Court can only be sleeping  
in the order of Court or in  
the Court of appeal as the said  
Court

3845/81