M.R. O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 129 Press

179-181

Dated 30·1·1862 19

10/11

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 30th January 1862.

Read the following papers :—

No. 179. From C. F. CHAMIER, Esq., Registrar of the Sudder Court; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 24th August 1861, No. 92.

1. I have the honor by direction of the Judges to bring to the notice of Government the large number of Suits now pending before the Madura and Shevagunga Moonsiffs in the Madura Zillah, with a view to measures being taken to obviate the inconvenience to suitors which must arise if these Suits be not heard and determined within a reasonable period.

2. On the file of the Madura Moonsiff there are 2,608 Suits, of which 278 have been pending more than a year, 561 more than six months, and 1,769 less than six months.

3. On the file of the Shevagunga Moonsiff there are 1,764 Suits, of which 405 have been pending more than a year, 513 more than six months, and 846 less than six months. This Moonsiff has also, it is said, more than 700 plaints not yet brought on the Register of Suits.

4. It is supposed by the Civil Judge that the Act for the limitation of Suits, which was to have come into operation on the first of May last, (though it has since been postponed), had the effect of inducing all claimants whose claims were liable to be affected by it to institute their Suits prior to that date. From whatever cause however, the files of the Moonsiffs in question are now so overburdoned with Suits that it is calculated that two years and a half will be required to decide those now pending, without taking into account Suits which may hereafter be instituted.

5. Under these circumstances the Judges are of opinion that two additional 2nd class Moonsiffs should be appointed for two years, one to be located at Madura, and the other at Shevagunga, with joint jurisdiction with the permanent Moonsiffs at those places.

6. The usual tabular statement is herewith enclosed; but as considerable savings have been effected since the Judicial Budgets were sent in, the Judges would recommend that the establishment of these additional Moonsiffs' Courts be authorized in anticipation of the sanction of the Supreme Government.

No. 180. From THOMAS WILKINS, Esq., Acting Deputy Registrar of the Sudder Court; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 25th October 1861, No. 105.

1. I am directed by the Judges to bring to the notice of Government the great accumulation of Suits on the files of the District Moonsiffs mentioned in the margin, and to recommend that an additional District Moonsiff of the 3rd class be appointed in each case to assist in reducing those files.

Trivatoor.	Chittoor Zillah.	2,426
Villapoorum	Cuddalore Zillah.	2,426
Chedumbram		2,170
Bekul	Mangalore Zillah.	2,196
Pynaad	Tellicherry Zillah.	2,020
Myaveram	Negapatam Zillah.	3,500

2. I am also directed to suggest that the additional District Moonsiff's Court of Nagore, the retention of which up to the end of 1861 was sanctioned by the Government of India on the 16th March last, be continued for a period of 16 months, *i. e.* till the 30th April 1863, the number of Suits pending in that Court being 483, while in the Court of the District Moonsiff of Negapatam, to relieve which the additional District Moonsiff's Court at Nagore was established, there were 1,031 Suits pending on the 1st July last.

3. The additional expense that will thereby be incurred can be met by the saving already effected as shown in the Order of Government dated the 6th August last, No. 993, and by the abolition of the Principal Sudder Ameen's Court at Chingleput.

No. 181. ORDER THEREON, 30th January 1862, No. 129.

In the first of the above letters the Judges of the Court of Sudr Adawlut bring to the notice of Government the large number of Suits pending before the Madura and Shevagunga Moonsiffs in the Madura Zillah.

2. On the file of the Madura Moonsiff there were at the date of this letter 2,608 Suits, of which 278 had been pending more than a year, 561 more than six months, and 1,769 less than six months.

3. On the file of the Shevagunga Moonsiff there were 1,764 Suits, of which 405 had been pending more than a year, 513 more than six months, and 846 less than six months. This Moonsiff had also, it is said, more than 700 plaints not yet brought on the Register of Suits.

4. It is supposed by the Civil Judge that the Act for the limitation of Suits, which was to have come into operation on the first of May last (though it was afterwards postponed), had the effect of inducing all claimants whose claims were liable to be affected by it, to institute their Suits prior to that date. From whatever cause however, the files of the Moonsiffs in question are so overburdened with Suits that it is calculated that two years and a half will be required to decide those now pending, without taking into account Suits which may hereafter be instituted.

5. The Judges under these circumstances recommend that two additional 2nd class Moonsiffs should be appointed for two years, one to be located at Madura, and the other at Shevagunga, with joint jurisdiction with the permanent Moonsiffs at those places.

Chittoor Zillah.	
Trivatoor	2,426
Cuddalore Zillah.	
Villapooram	2,426
Chedumbram	2,170
Mangalore Zillah.	
Bekul	2,196
Tellicherry Zillah.	
Pynaad	2,020
Negapatam Zillah.	
Myaveram	3,500

6. In their Registrar's letter of 25th October last, the Judges represent the great accumulation of Suits on the files of the District Moonsiffs mentioned in the margin, and recommend that an additional District Moonsiff of the 3rd class be appointed in each case to assist in reducing their files.

7. They also suggest that the additional District Moonsiff's Court of Nagore, the retention of which up to the end of 1861 was sanctioned by the Government of India on the 16th March last, be continued for a period of 16 months, *i. e.*, till the 30th April 1863, the number of Suits pending in that Court being 483, while in the Court of the District Moonsiff of Negapatam, to relieve which the additional District Moonsiff's Court at Nagore was established, there were 1,031 Suits pending on the 1st July last.

8. Thus the number of additional District Moonsiffs' Courts for which the Judges of the Sudr Adawlut have applied is 8—besides the continuance for a further period of 16 months of another and temporary one, the time of which has just expired.

9. It appears to Government that the best course to pursue to remedy the serious evil complained of—which is so great as to amount to a denial of justice to the parties filing their Suits in the Courts in question—would be to apply for the sanction of the Supreme Government to constitute, under Act XLII of 1860, Courts of Small Causes, in those districts where their working promised to be beneficial. By this means the files of the District Moonsiff would cease to be increased; and if the Judges of the Sudr were to intimate to the Judges of the Zillahs, in which the Small Cause Courts might be established, that they should issue a proclamation, informing parties, whose Suits were on the files of the District Moonsiff, that these Suits would, on their request, be transferred to the file of the Small Cause Court, the Government have no doubt but that very many Suits would be so dealt with. This step, they conceive, could be carried out under Section 6, Act VIII of 1859, and would be in no way opposed to Section X, Act XII of 1861. After a Small Cause Court had been for some time in operation in a district, it will probably be found that some of the District Moonsiffs' Courts might be abolished. To admit of an entire Zillah being placed under the jurisdiction of one Small Cause Court, it will be requisite for the Government to appoint under Sections VII and VIII of Act XLII of 1860, several stations, or places, where the Court could be held. The Court would thus partake of the nature of a Circuit Court holding its sittings where best adapted to suit the convenience of the people. As it is clearly of the utmost importance that the Small Cause Courts to be thus established should be presided over by Judges in whom the people feel confidence, it has occurred to Government that the safest and best mode that can be adopted for the first establish-

Proceedings of the Madras Government, Judicial Department,
30th January 1862.

ing of these Courts, and one that will call for no increase of expenditure, will be to convert the present Subordinate Courts into Small Cause Courts. If this course were approved of, six Courts could at once be established.

10. The Government resolve to call upon the Judges of the Court of Sudr Adawlut for their opinion on this point, and generally on the arrangements which should be adopted for giving effect to the measures above indicated. It is just possible that in some Zillahs on the abolition of their Sub Courts, it may be necessary to substitute for them Principal Sudr Ameens' Courts. The Government however are inclined to think that this will not be the case. Under any circumstances the Principal Sudr Ameens will only be required to dispose of the Appeal Suits, pending on the files of the Sub Courts, and their appointments will therefore only be of a temporary nature.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F Cartledge.

Judl. Letr. Copy. Ry. Branch
No. 5 of 1862.

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Judicial 1861 Department
No. Precis of Letter
From
The Registrar of the
Sudder Court
To
The Chief Secretary
to Government
Dated 24th August 1861
Rec'd 26th August 1861
(No. 92)
With one enclosure
No. 1377

Stating the Judges
are of opinion that two
additional Civil Stations
should be established for
two years, one to be located
at Madura and the other
at Shevagunga, with Joint
Judicial and Magisterial
Powers, and recommending that the
Establishments of these Stations
of the Civil Courts be authorized in
anticipation of the sanction of the
Supreme Government.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Registrar of the Court of Sudder Adawlut.

Here enters 21 Augt & 25 Octr. 1861 Nos 928 & 1057

Order thereon 30th Janry. 1862 No 129.

In the first of the above letters the Judges of the Court of Sudr Adawlut bring to the notice of Govt. the large number of suits ~~pending~~ pending before the Madura and the Sivagunga Moonsiffs in the Madura Zillah.

2. On the file of the Madura Moonsiff there

since the date of the 11th
ult. 2,608 suits, of which
1,278 have been pending
more than 3 years, 561
more than two years, 366
more than one year, and
1,364 less than six
months.

3. From the files of the
Alienage Office, 1,764 suits, of
which 1,105 have been
pending more than 2
years, 513 more than
one year, and 146
less than six months.
The Masters' Office,
it is said, more than
700 claims not yet
brought on the regis-
ter of suits.

4. Office suggested by
the Civil Judge that
the Act for the limi-
tation of suits, which
was to have power
into operation on the
first

first of May last
(though it has since been
postponed), had
the effect of inducing
all claimants whose
claims were liable
to be affected by it, to
institute their suits
prior to that date. From
whatever cause however,
the files of the Exche-
quer in question are
so overburdened
with suits that it
is calculated that
two years and a half
will be required to de-
cide those now pend-
ing, without taking
into account suits
which may hereafter
be instituted.

5. The Judges under
these circumstances
recommend

recommend that two additional 2nd class Moonsiffs should be appointed for two years, one to be located at Madura, and the other at Sheevagunga, with joint jurisdiction with the permanent Moonsiffs at those places.

6. In their Registrar's letter of 25th October last the Judges represent the great accumulation of Suits on the files of the District Moonsiffs mentioned in the margin, and recommend that an additional District Moonsiff of the 3rd class be appointed in each case to assist in reducing their files.

7. They also suggest that the additional District

Chittoor Zillah.

Tiruttoor	2,426.

Cuddalore Zillah.

Villaporium	2,426.
Chedumbaram	2,170.

Mangalore Zillah

Bellal	2,196.

Tillicherry Zillah

Pynaad	2,020.

Negapatam Zillah

Myaveram	3,500.

District Moonsiffs Court of Nagore, the retention of which up to the end of 1861 was sanctioned by the Govt. of India on the 16th March last, be continued for a period of 16 months, i.e. till the 30th April 1863, the number of suits pending in that Court being 483, while in the Court of the District Moonsiffs of Negapatam, to relieve which the Additional District Moonsiffs Court at Nagore was established, there were 1031 suits pending on the 1st July last.

8. Thus the number of additional District Moonsiffs Courts for which the Judges of the said Adawlut have applied

applied is 8- besides the continuance for a further period of 16 months of another, and temporary one- the time of which has just expired.-

9. It appears to Govt. that the best course to pursue to remedy the serious evil complained of- and which is so great as almost to amount to a denial of justice to the parties filing their suits in the Courts in question- would be for them to apply for the sanction of the Supreme Govt. to constitute, under Act XLIII of 1860- Courts of Small Causes- in those Districts where their worthy Promises to be beneficial- By this means the jails of the Districts Moonsiffs would

Filing suits

would cease to be increased; and if the Judges of the Sudder were to intimate to the Judges of the Zillahs, in which the Small Cause Courts might be established, that they should move to issue a proclamation, informing parties- whose suits were on the files of the District Moonsiffs- that these suits would, on their request, be transferred to the file of the Small Cause Court- the Govt. have no doubt but that very many suits would be so dealt with- This step- they conceive, would be carried out under Sec: 6 Act VIII of 1859- (would XII be) and is in no way opposed to Sec: X- Act XII of 1861. After

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a Small Cause Court had been for some time in operation in a District, it will probably be found that some of the District Moonsiffs Courts might be abolished — So admit of an entire Zillah being placed under the Jurisdiction of one Small Cause Court — it will be requisite for the Govt. to appoint under Sec: VII & VIII, of Act XLII of 1860 — several Stations or places, where the Court could be held — The Court would thus partake of the nature of a Circuit Court holding its sittings where best adapted to suit the convenience of the people — As it is clearly of the utmost importance

importance that the Small Cause Courts to be thus re established should be presided over by Judges in whom the people feel confidence, It has occurred to Govt. that the safest and best mode that can be adopted for the first establishing of these Courts, and one that will call for no increase of expenditure, will be to convert the present Subordinate Courts into Small Cause Courts. If this course were approved of — the Courts could at once be established

10. The Govt. resolved to call upon the Judges of the Court of Sudr Adawlut for their opinion on this point

temporary nature

JP

Jenik, and generally on the arrangements which should be adopted for giving effect to the measures above indicated. It is possible that in some Villahs on the abolition of their Sub Courts, it may be necessary to substitute for them Principal Sudr Ameens Courts - the Govt. however are inclined to think that this will not be the case — ~~Certainly~~ the Principal Sudr Ameens will in all be required to dispose of the Appeal Suits pending on the files of the Sub-Courts, ~~and consequently~~ their appointments will therefore only be of a temporary

Under any circumstances

To the Sudder Court Dept. 31st

DM Lane

Prov.ce of Jany.
Judicial 1862 Desp.ch

Judl. Ltr. to Engd. 27th
March 22. 5 of 1862.

No. 129.

Replied to - N° 23 of 62

Prov.l of Govt.

Fe.t 347.

D/ 30th Jan.y 1862

21-11-13.

With reference to the great accumulation of suits on the files of the several District Moonsiffs brought to notice by the Sudder Court, the Court are informed that the best course to remedy this evil, would be to constitute Courts of Small Causes in certain Zillahs, and their opinion called for on the arrangements necessary to to give effect to the measure proposed by Government.

179 @ 181.