M.R.O. 1—38,000—16-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 398-99 Press ~~Mis.~~

78-81

Dated 10. 3. 1862 ~~19~~ .

24/124 account.

Not to be folded or roughly handled

Read again letters from the Court of Sudder Adawlut, dated 24th August and 25th October 1861, Nos. 92 and 105, and recorded in Proceedings of 30th January 1862, No. 129.

No. 78. Read also the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 20th February 1862, No. 25.

I am directed by the Judges to acknowledge the receipt of the Proceedings of Government, dated 30th ultimo, and in reply to state that they concur in thinking it expedient that Courts of Small Causes should be established in those Zillahs where large arrears of suits have accumulated, as the best means of reducing the files to their normal condition.

2. They also consider that the appointment of Officers of the standing of Subordinate Judges to preside over such Courts will tend greatly to promote their efficiency and secure for them the confidence and respect of the people.

3. The Zillahs where assistance is most required at present, are Chittoor, Cuddalore, Madura, Negapatam, Tanjore, and Tellicherry.

4. In two of these, viz., in Madura and Tanjore, there are already Subordinate Judges, who could at one enter upon their new functions as Judges of the Courts of Small Causes to be established in their Zillahs.

5. The Subordinate Judge of Calicut might be transferred to Tellicherry in the capacity of Judge of the Court of Small Causes to be created in that Zillah.

6. To provide Judges for the Courts of this description in Chittoor, Cuddalore, and Negapatam, it will be necessary, the Judges apprehend, to revive the office of Subordinate Judge in those Zillahs where it has been temporarily in abeyance, viz., in Cuddapah, Mangalore, and Salem; and then to appoint the Officers Judges of the Courts of Small Causes in the Chittoor, Cuddalore, and Negapatam Zillahs.

7. The number of appeals pending before the Civil Judge of Madura will not be more than he will be able himself to decide, if such Criminal cases as are now committed to the subordinate Judge be disposed of by the Magistracy; but in Calicut, Salem, and Tanjore, the Civil Judges will require the aid of Principal Sudder Ameens in lieu of their Subordinate Judges. *In Cuddapah and Mangalore Principal Sudder Ameens are already employed, and the files are too heavy to allow of their Courts being closed. The services of Principal Sudder Ameens in Calicut, Cuddapah, Mangalore, Salem, and Tanjore will probably be required for a period of not less than two years. In Cuddapah and Mangalore the files are comparatively lighter than in the three other Zillahs, but there is always much business on the Criminal side in Cuddapah, and a considerable number of original suits beyond the jurisdiction of the Sudder Ameen and District Moonsiffs in Mangalore.

Appeals pending on the 31st December 1861.	
Calicut	957
Cuddapah	398
Madura	135
Mangalore	215
Salem	608
Tanjore	830

Establishment for Courts of Small Causes.		
Head Clerk	Rupees	50
Nazir	,,	40
Record keeper	,,	24
2nd Clerk	,,	22
4 Goomastahs	,,	60
6 Peons	,,	36
2 Sweepers	,,	8
		240

8. For each Court of Small Causes the Judges propose an establishment, as shown in the margin, amounting to Rupees 240 per mensem, which is calculated upon the supposition that the Courts will be held in more places than one.

9. In the Calicut, Salem, and Tanjore Zillahs, where it is proposed that Principal Sudder Ameens Courts shall be temporarily established to replace the Courts of the Subordinate Judges, there need be no change in the establishments. In Cuddapah and Mangalore there are already Principal Sudder Ameens with their establishments. The establishment of the Subordinate Judge of Madura would be abolished.

The

Present Charge.		
For 6 Sub-Judges at Calicut, Cuddapah, Madura, Mangalore, Salem, and Tanjore at Rupees 1,400	8,400	
Proposed Charge.		
For 6 Courts of Small Causes with establishments at Rupees 1,640	9,840	
For 5 Principal Sudder Ameens at Rupees 500	2,500	
	12,340 0 0	
Increase Rupees	3,940 0 0	
Saving by abolition of Sub-Judge's establishment at Madura	573 8 0	
	3,366 8 0	

10. The financial result of the measures under consideration will be an increase of expenditure to the extent of Rupees 3,366-8 per mensem, an amount which the Judges have reason to anticipate will be more than covered by the value of the stamps, which will be used for plaints in the suits instituted in the new Courts.

11. It is to be borne in mind, however, that, in the letters which appear in the Proceedings of Government, the Judges have recommended that eight additional District Moonsiffs' Courts should be established to dispose of the arrears which have accumulated in several Zillahs. The cost of those Courts, therefore, with that of their establishments, should be set against the increased charge attending the establishment of Courts of Small Causes.

12. The Judges have been led to examine the files in the several Zillahs, and find that at Bellary and Chittoor the appeal files are so low as to render it unnecessary for Principal Sudder Ameens' Courts to be maintained there. In Mangalore also the appeal files have been sufficiently reduced to allow of the services of Luxoomaya, (who was nominally appointed Principal Sudder Ameen of Nellore on the 17th August 1860, but directed to officiate as additional Principal Sudder Ameen of Mangalore), being dispensed with. The abolition of these Courts, with their establishments, will effect a considerable reduction in expenditure.

Bellary	58
Chittoor	137

13. Thus the actual increase attending the arrangements for establishing Courts of Small Causes will be merely Rupees 662-8. But, as remarked by the Government, the measure, if successful, will tend to reduce the files of the District Moonsiffs; and some of their Courts may hereafter be abolished. The ultimate result will therefore be that a considerable saving will be effected at the same time that a more expeditious and efficient system of administering justice will have been introduced.

Increased charge as shown at paragraph 10	3,366 8 0	
Deduct salary and establishment of Principal Sudder Ameen of Bellary	1,077	
Ditto Ditto of Chittoor	1,077	
Ditto Ditto of additional Principal Sudder Ameen of Mangalore	550	
	2,704 0 0	
	662 8 0	

14. The Judges see no objection to Plaintiffs being offered the option of withdrawing any plaints they may have already instituted in the District Moonsiffs' Courts, and presenting them in the Courts of Small Causes, if the Government are prepared to forego any further stamp duty on such plaints; but they think that suits could not be legally called up by the Civil Judge from a District Moonsiff and referred to a Court of Small Causes under Section 6 of the Code of Civil Procedure, because the latter Court would not be a Court subordinate to the Civil Judge.

15. In regard to the Courts of Small Causes being held at more places than one, the Judges think that this will probably be found necessary; but they are not prepared, without communicating with the Civil Judges, to specify the particular stations at which it would be advisable that these Courts should be held.

16. They will obtain the requisite information without delay, but this being a matter of detail which can be easily arranged at any subsequent period, the Judges have deemed it expedient not to defer placing the Government in possession of their views on the general question, so that the Government may be enabled to take steps for obtaining the sanction of the Supreme Government to the measures proposed.

17. The usual Tabular Statement is enclosed, showing the present permanent scale and the proposed scale of charges, for transmission to the Government of India.

Proceedings of the Madras Government, Judicial Department,
10th March 1862.

No. 79. MINUTE BY THE HONORABLE W. A. MOREHEAD, dated 25th February 1862.

I do not think that we can do better than apply at once to the Supreme Government for permission to carry out the introduction of Courts of Small Causes into this Presidency, in the manner proposed in this correspondence.

It is plain that relief must be afforded to the files of the District Moonsiffs. To create eight new District Moonsiffs' Courts as first advised by the Sudder would on the present scale of salaries cost monthly 1,400 Rupees, on the proposed increased rate of salaries, the cost would be 2,432. The Tabular Statement, to effect the measure now advised, shows an increase of expenditure monthly of Rupees 662-8.

In a financial point of view the introduction of the new form of Courts is therefore a gain; in a beneficial point of view it is also a measure much to be desired.

In a recent Despatch the Secretary of State for India animadverted on the great length of time that suits remained on the files of the District Moonsiffs of this Presidency. That this is solely occasioned by the overburdened state of the Moonsiffs' files can admit of no doubt. And I feel assured that the actual amount of work done by the District Moonsiffs would bear favorable comparison with the amount of work done by the Moonsiffs refered to, in the same Despatch, as having suits on their files for so much shorter periods than the average taken shows to be the result in this Presidency.

(Signed) W. A. MOREHEAD.

No. 80. ORDER THEREON, 10th March 1862, No. 398.

Ordered that the following letter be despatched.

(Signed) T. PYCROFT,
Chief Secretary.

No. 81. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 10th March 1862, No. 399.

I am directed by His Excellency the Governor in Council to forward, for submission to the Right Honorable the Governor General in Council, the accompanying correspondence* that has passed between this Government and the Court of Sudder Adawlut, relative to the establishment of Courts of Small Causes under Act XLII of 1860 in the Provinces of this Presidency.

* Proceedings of Government 30th January 1862, No. 129.

2. The consideration of this subject, it will be seen, originated in two applications made by the Sudder Court for strengthening the Subordinate Judicial Establishments in several of the Madras Zillahs.

3. In their first letter the Sudder represented the heavy arrears in the Courts of the Madura and Shevagunga District Moonsiffs of the Zillah of Madura.

On the file of the Madura Moonsiff there were 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.

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 it was said, had also, more than 700 plaints not yet brought on the Register of suits.

4. In their second letter the Judges brought to the notice of Government the great accumulation of suits on the files of the District Moonsiffs mentioned in the margin, and recommended that an additional District Moonsiff of the 3rd class might be appointed in each case to assist in reducing those files. They also suggested that the additional District Moonsiff's Court of Nagore, the retention of which up to the end of 1861, had been sanctioned by the Government of India on the 16th March last, should be continued for a period of 16 months.

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

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.

5. Thus it will be seen there were when the Sudder wrote heavy arrears in the District Moonsiff's Courts of 6 out of the 21 Madras Zillahs. In eight District Moonsiffs' Courts there were in the aggregate 19,110 suits in arrears, or on the average 2,388 suits in each Court.

6. The cost that would have been involved in the establishment of additional District Moonsiffs' Courts as proposed by the Sudder would have been Rupees 1,660 per mensem or Rupees 19,920 per annum according to existing rates, but according to the rates recommended in my letter of the 4th ultimo, No. 169 Rupees 2,980 monthly or Rupees 35,760 yearly.

7. In reply to these applications the Government expressed their opinion that the best course to pursue to remedy the serious evil complained of—which was 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 Sudder 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 had no doubt but that very many suits would be so dealt with. This step, they conceived, 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 would 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 would 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 occurred to Government that the safest and best mode that could be adopted for the first establishing of these Courts, and one that would call for no increase of expenditure, would be to convert the present Subordinate Courts into Small Cause Courts. If this course were approved of, six Courts could at once be established.

The Judges of the Sudder Udawlut were called on for their opinion on this point, and generally on the arrangements which should be adopted for giving effect to the measures above indicated. The Government at the same time observed that it was just possible that in some Zillahs on the abolition of their Sub-Courts, it might be necessary to substitute for them Principal Sudr Ameens' Courts, but they were inclined to think that this would not be the case. Under any circumstances the Principal Sudder Ameens would only be required to dispose of the appeal suits, pending on the files of the Sub-Courts, and their appointments would therefore only be of a temporary nature.

8. The Judges have answered this reference in their Registrar's letter of the 20th ultimo, which is appended to this letter.

They state that they concur with the Government in thinking it expedient that Courts of Small Causes should be established in those Zillahs where large arrears of suits have accumulated, as the best means of reducing the files to their normal condition. They also consider that the appointment of Officers of the standing of Subordinate Judges to preside over such Courts will tend greatly to promote their efficiency, and secure for them the confidence and respect of the people.

Proceedings of the Madras Government, Judicial Department,
10th March 1862.

9. The Judges then proceed to indicate the Zillahs in which the new Small Cause Courts should be established, the arrangements to be adopted for the purpose, and their financial result. Into these details it will not be necessary to enter. It will suffice to state that the additional expense which will *at first* be occasioned will according to the Tabular Statement submitted be only Rupees 662-8 per mensem. This charge is very much less than would have been involved in the creation of additional District Moonsiffs' Courts as originally recommended by the Sudder. It will moreover probably be eventually more than covered by the value of the stamps, which will be used for plaints in the suits instituted in the new Courts. The measure also if successful will tend to reduce the files of the District Moonsiffs; and some of their Courts may hereafter be abolished. The ultimate result will therefore be that a considerable saving will be effected, at the same time that a more expeditious and efficient system of administering justice will have been introduced.

Vide Supra, paragraph 6.

10. The Madras Government beg very strongly to support the proposals of the Court of Sudder Adawlut, as above stated, and I am instructed to solicit the sanction of the Government of India under Act XLII of 1860 to the establishment of Small Cause Courts in the Zillahs of Chittoor, Cuddalore, Madura, Negapatam, Tanjore and Tellicherry, as also to the increase of expense attendant on their creation or Rupees 662-8 per mensem. In a recent Despatch, dated 31st December (No. 33) 1861, the Right Honorable the Secretary of State has animadverted on the delay observable in the disposal of suits in the Courts of the District Moonsiffs in this Presidency as compared with the average duration of such actions under the Presidency of Bengal. This difference, I am to state, arises from no inferiority either in legal acquirements, or zeal on the part of the District Moonsiffs of Madras, but is solely referrible to the large accumulation of arrears consequent on the inadequacy of the existing establishments to cope with the mass of business in their Courts under the present law of Procedure, and the want of the more summary mode of adjudication now proposed to be introduced.

NOTE.—The Sudder Court in a letter, 26th February 1862, No. 29, which is forwarded herewith, take the same view of the causes, which occasion the great delay in the disposal of cases by the District Moonsiffs.

11. In conclusion I am to solicit early orders on this reference as some time will be required to mature the necessary arrangements, and the files of the existing Courts will only become more overburdened by further delay. I am also to add that as the scheme of the Sudder was not received until after the despatch of the Budget no provision for it has therein been made.

(Signed) T. PYCROFT,
Chief Secretary.

Proceedings of the Madras Government, Judicial Department,
10th March 1862.

JUDICIAL

No. Date. Extract from Home Dept. Govt. of India	Office to which the Proposition refers.	Nature of Charge.						Proposition. Permanent.		Temporary.		Casual or Extraordinary.	Grounds of Proposition.	Local Government's recommendation.	Orders of the Government of India.		
		Present Permanent Scale.			Proposed Scale.			Increase per month.	Decrease per month.	Increase per month.	Decrease per month.				Home Dept. Remarks.	Financial Dept. Remarks.	Financial Dept. Orders.
			RS.	A. P		RS.	AS. P	Rs.	As. P.								
	Bellary.	Salary and Establishment of the Principal Sudder Ameen.....	1,077	0 0													
	Calicut.	Salary of the Subordinate Judge...	1,400	0 0	Salary of a Principal Sudder Ameen...	500	0 0										
	Chittoor.	Salary and Establishment of the Principal Sudder Ameen...	1,077	0 0	Salary and Establishment of a Small Cause Court Judge.....	1,640	0 0										
	Cuddalore.	.....	.....	.....	Do. do. do....	1,640	0 0										
	Cuddapah	Salary of the Subordinate Judge..	1,400	0 0	Salary of a Principal Sudder Ameen.....	500	0 0										
	Madura..	Salary and Establishment of the Subordinate Judge..... ...	1,973	8 0	Salary and Establishment of a Small Cause Court Judge.....	1,640	0 0										
	Mangalore.	Salary of the Subordinate Judge.. Do. and Establishment of an additional Principal Sudder Ameen's Court...	1,400	0 0	Salary of a Principal Sudder Ameen...	500	0 0										
	Negapatam....	.....	.....	.....	Salary and Establishment of a Small Cause Court Judge.....	1,640	0 0										
	Salem....	Salary of the Subordinate Judge...	1,400	0 0	Salary of a Principal Sudder Ameen.....	500											
	Tanjore..	Do. do. do...	1,400	0 0	Salary of a Principal Sudder Ameen...	500	0 0										
	Tellicherry.....	.....	.....	.....	Do. and Establishment of a Small Cause Court Judge.....	1,640	0 0										
		.....	.....	.....	Do. do. do..	1,64[illegible]	0 0										
			11,677	8 0		12,340	0 0	662	8 0								

Fort Saint George,
10th *March* 1862.

Exd. F. Cartledge.

Proceedings of the Madras Government, Judicial Department,
10th March 1862.

DEPARTMENT.

On a proposition from the Sudder Court recommending the Establishment of eight additional District Moonsiff's Courts to dispose of arrears, the Government made the following observations :—

"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." "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 Moonsiff's Courts might be abolished." "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 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, six Courts could at once be established."

Favorable.

Forwarded for sanction to the Home Department of the Government of India.

(Signed) T. PYCROFT,
Chief Secretary to Government, Fort Saint George.

Madras 20th February 1862.

No. 25

From

C. F. Chamier Esquire

Registrar of the Sudder Court

To

The Honorable T. Pycroft

Chief Secretary to Government

Sir,

I am directed by the Judges to acknowledge the receipt of the Proceedings of Government dated 30th ultimo, and in reply to state that they concur in thinking it expedient that Courts of Small Causes should be established in those Zillahs where large arrears of suits have accumulated, as the best means of reducing the files to their normal condition.

2. They also consider that the appointment of Officers of the standing of Subordinate Judges to preside over such Courts will tend greatly to promote their efficiency and secure for them the confidance and respect of the people.

The

3.

The zillahs where assistance is most required at present, are Chittoor, Cuddalore, Madura, Negapatam, Tanjore, and Tellicherry.

4.

In two of these, viz^t^ in Madura and Tanjore, there are already Subordinate Judges, who could at once enter upon their new functions as Judges of the Courts of Small Causes to be established in their zillahs.

5.

The Subordinate Judge of Calicut might be transferred to Tellicherry in the capacity of Judge of the Court of Small Causes to be created in that zillah.

6.

To provide Judges for the Courts of this description in Chittoor, Cuddalore, and Negapatam, it will be necessary, the Judges apprehend, to revive the office of Subordinate Judge in those zillahs where it has been temporarily in abeyance, viz^t^ in Cuddapah, Mangalore, and Salem; and then to appoint the officers judges of the Courts of Small Causes in the Chittoor, Cuddalore, and Negapatam zillahs.

The

7.

The number of appeals pending before the Civil Judge of Madura will not be more than he will be able himself to decide, if such criminal cases as are now committed to the Subordinate Judge be disposed of by the Magistracy; but in Calicut, Salem, and Tanjore, the Civil Judges will require the aid of Principal Sudder Ameens in lieu of their Subordinate Judges. In Cuddapah and Mangalore Principal Sudder Ameens are already employed, and the files are too heavy to allow of their Courts being closed. The services of Principal Sudder Ameens in Calicut, Cuddapah, Mangalore, Salem, and Tanjore will probably be required for a period of not less than two years. In Cuddapah and Mangalore the files are comparatively lighter than in the three other zillahs, but there is always much business on the Criminal side in Cuddapah, and a considerable number of Original Suits beyond the jurisdiction of the Sudder Ameen and District Moonsiffs in Mangalore.

Appeals pending on the 31st Dec^r^ 1861.

Calicut	957
Cuddapah	398
Madura	135
Mangalore	215
Salem	608
Tanjore	830

For

8. For each Court of Small Causes the Judges propose an establishment, as shown in the Margin, amounting to Rupees 240 per mensem, which is calculated upon the supposition that the Courts will be held in more places than one.

Establishment for Courts of Small Causes.

Head Clerk —	Rupees 50
Razin —	" — 40
Record Keeper —	" — 24
2d. Clerk —	" — 22
4 Goomastahs —	" — 60
6 Peons —	" — 36
2 Sweepers —	" — 8
	240.

6 × 240 =
= 1440
12
1728

9. — In the Calicut, Salem, and Tanjore zillahs, where it is proposed that Principal Sudder ameens' Courts shall be temporarily established to replace the Courts of the Subordinate Judges, there need be no change in the establishments. In Cuddapah and Mangalore there are already Principal Sudder ameens with their establishments. The establishment of the Subordinate Judge of Madura would be abolished.

10. The financial result of the measures under consideration will be an increase of expenditure to the extent of

Present charge
For 6 Sub. Judges at Calicut, Cuddapah, Madura, Mangalore, Salem, & Tanjore at Rs. 1400 - 8400 - - -

Proposed charge
For 6 Courts of Small Causes with establishments at Rs. 1640 - 9840 - - -
For 5 Principal Sudder Ameens. at Rs. 500 — 2500 - - -
12340 - - -

Increase Rs. — 3940 - - -
Saving by abolition of Sub-Judge's establishment at Madura — 573-8-
3366-8-

A

	Present State in 1860			Proposed in 1855			Now proposed		
	Number	Monthly Pay	Establishment	Number	Monthly Pay	Establishment	Number	Monthly Pay	Establishment
		A	a		B	b		C	c
1st Class	14	2,000	1190	12	3,000		10	3,000	1,200
2d do	32	4,000	2720	12	2,400		10	2,500	1,200
3d do	79	7,900	5530	94	14,100		90	19,600	11,760
Cook per mensem	125	15,500	9,440	118	19,500	12,025	118	25,100	14,160
Deduct present state		"	"		15,500	9,440		14,600	8,990
Additional expense per mensem		"	"		4,000	2,585		10,500	5170
do per annum		"	"		48,000	31,020		126,000	62,040

	a	b	c
A			
1st Class	200	85	
2d do	150	85	
3d do	100	70	
B			
	250	130	
	200	115	
	150	90	
C			
	300		120
	250		120
	200		120

Note b. The scale laid down was as follows.

7 Courts @ 130
25 do. @ 115
66 do. @ 90

9440
170 = 85+2
9270
14,160
4890 12
58680

15500
350
15150
25100
9950 12
11940 0
58680
80 8
17

126000
62040
188,040
17,0080
9,960

14,600
8990
23,590 12
2,3080

Courts abolis
Bellary Sala
Masuli

Courts abolished within the last 12 Months.

Bellary	Salary of Moosiee Sudder Ameen a Rs. 200	2400 " "	
	Establishment of Do. a Rs. 45	540 " "	2940 " "
Masulipatam	Salary of Moosiee Sudder Ameen a Rs. 280	3360 " "	
	Establishment of Do. Do. after deducting Rs. 21 per mensem transferred to the Civil & Sess: Court a Rs. 24	288 " "	3648 " "
Chicacole	Salary of Moosiee Sudder Ameen a Rs. 200	2400 " "	
	Establishment of Do. after deducting Rs. 18 per mensem transferred to the Civil & Sess: Court at Rs. 27	324 " "	2724 " "
Trichinopoly	By the abolition of the Privy Sudder Ameens Court, after deducting 52½ p. transferred to Civil & Sess: Courts a Rs. 954-8 "		11454 " "
Chingleput	By the abolition of the Establishment of the Privy Sudder Ameens Court after deducting Rs. 52½ p. transferred to Civil & Sess: Courts a Rs. 454½ p		5454 " "
Chittoor	Difference of Salary between the Sub: Judge & P. S. Ameen a Rs. 900		10,800 " "
Bellary	Difference of Salary between Sub: Judge & P. S. Ameen of Bellary.		10,800 " "
	By abolition of Ittchapore Southmeem Court		47,820 " " 3864
	Respectively By the abolition of 18 Moosiee Sudder Ameens Courts		54420 " "
			1,02,240 " "
			106104

To,

His Excellency the
Honorable Sir W. Denison Kcb.
Governor in Council
Fort St George

Respectfully Sheweth,

1. That your Memorialists are District Moonsiffs of this Presidency.

2. That selection for the Office of District Moonsiff is made from ascertained educational acquirements and respectability, and as a guarantee for the efficient performance of the functions of their office they are subjected to an examination of a high and professional character.

3. That your Memorialists exercise all the powers of Civil Courts of the Higher classes in suits within the limit of 1000 Rupees; that in the trial of causes they are governed by the same principles and rules of procedure prescribed for such Higher Courts; that

by reference to the returns furnished by the Sudder Court, your Excellency will observe how large a proportion of the litigation of the country is disposed of by Courts such as those presided over by your Memorialists; and that the well being of the people depends in a great measure upon the due administration of justice by such Courts, which in point of fact, are the people's Courts.

4. That your Memorialists understand it is in contemplation by the Legislature to still further enhance their powers and extend their usefulness and some of the Moonsiffs are now actually exercising Criminal powers under Act XII – 1854.

5. That notwithstanding the high and growing importance of these Courts, the remuneration assigned to District Moonsiffs is, your Memorialists beg respectfully to say; altogether inadequate and not in keeping with the dignity and responsibility of the Office.

1st Class	Rs 200.
2nd — do	" 150.
3rd — do	" 100.

And, that this scale of allowance will bear but a disadvantageous comparison with that fixed for Officers of other Departments of the Uncovenanted Service.

6. That the Judges of the Madras Court of Small Causes notwithstanding that their jurisdiction is limited to Causes of only Rupees 500 value, these being simply of a personal nature and the procedure of the Court summary, the salaries of the Judges are 1000 Rupees and 1500 Rupees, whilst the Chief Officer of that Court, whose duties are purely of a Ministerial character, is paid Rupees 650.

7. That by the subjoined statement, it will be seen how much the salaries assigned to officers of other Departments are in excess of those allowed the Judicial.

Public Works.

Sub-Engineer.

1st Class	Rs 400.	Besides travelling allowance of Rupees 3 per diem.
2d — do	" 300.	
3d — do	" 250	
Supervisor	200.	Besides travelling allowance.
Assist — do	" 150.	
Overseers	" 100.	

Revenue

Revenue Department.

1st Class Deputy Collector	Rs. 600.	Besides travelling allowance.
2d ——— do ———	" 500.	
3d ——— do ———	" 350.	
4th ——— do ———	" 250.	
1st Class Tahsildars ———	" 250.	
2d ——— do ———	" 225.	
3d ——— do ———	" 150.	

Police Department.

1st Class Inspectors ———	Rs. 215.
2d ——— do ———	" 165.
3d ——— do ———	" 115.
4th ——— do ———	" 85.

8. That your Memorialists would also beg respectfully to refer your Excellency in Council to the scale of Salaries fixed for the Uncovenanted Assistants, Managers, and other Ministerial Officers attached to the Public offices at the Presidency.

9. That your Memorialists beg to disclaim all intention of depreciating the usefulness of officers of various other Departments of the service; or to insinuate that they are more than adequately remunerated for their labour. But your Memorialists have drawn this comparison simply, with a view to show how disproportionately low is the scale of remuneration allowed for the Judicial

Judicial Department which your Memorialists beg leave to remark, yields to none in point of importance or general utility.

10. As being intimately connected with themselves, your Memorialists beg leave to draw the attention of your Excellency to the inadequate and ill-paid establishment allowed for the transaction of business in the Courts of the District Moonsiffs. That their establishment consists of a little more than half a dozen Gomastahs whose pay ranges from 4 to 14 Rupees, being in some instances below the wages allowed to Dalayets and Peons.

11. Your Memorialists are informed that a proposition was made by the Sudder Court so far back as the year 1855, for augmenting the salaries of the District Moonsiffs, which received the approval of the Madras Government, but although 6 years have elapsed nothing has yet been effected, notwithstanding that other propositions of a similar character have been carried out in other departments.

Your

Your Memorialists having thus laid their grievance before your Excellency trust that the same may be taken into your Excellency's and Council's kind consideration. And your Excellency's Memorialists as in duty bound,

Shall ever pray.

J. W. Shrunker
Distt. Mff. of Trangnchar

For and on behalf of the District Munsiffs of the Madras Presidency.

Madras.
8 August 1861

S & L 2. 62

13

I do not think it at all necessary to refer the petition to Govt. I recommend that the petitioners be informed that their Memorial to the Board of Revenue has been forwarded to this Govt. for disposal.

The Board of Revenue will be requested to report on the petition of the District Moonsiffs.

to the Govt
Home Dept. M.G.

1862 Jan

S & L 2 62 10

Your Memorialists having thus laid their grievances before your Excellency trust that the same may be taken into your Excellency's and Council's kind consideration. And your Excellency's Memorialists as in duty bound,

Shall ever pray.

P. W. Shrunker
Distt: Mff: of Trangnebar

For and on behalf of the District Munsiffs of the Madras Presidency.

Madras.
8 August 1861

25-2-62

I do not think that we have any better course than to refer the matter at once to the Legislature for the purpose of the introduction of a Bill into the Council of the Governor in Council for the Presidency of Fort St. George, praying for the passing of an Act for the better protection of the Officers of the District Moonsiffs.

To create a split Vote Def.
Motion for Counters put
aduced by the Leading
Voice on the Question
Trade of Slaves with
Monthly Returns, the
Question proposed Unloaded
Sale of Slaves - the Vote
would be 2432 - the Tellers
on Part Nay to Speak
the Numbers Howard in
ted. Those who are make
for Question please to

Monthly Returns
the Question proposed Loaded
Sale of Slaves - the Vote
would be 2432 - the Tellers
on Part Nay to Speak
the Numbers Howard in
ted. Those who are make
for Question please to

[illegible] the Great Seal of Texas

Be it known that on the
[illegible] day of [illegible]
the Public of the D. de of [illegible]
Residence - Real [illegible]
a Public Road & the
[illegible] Road & Rate of
the Moore's Bills Cove
Creek of the South - And
Real all real Real the
actual Amount of Work
done by the D. ste would
[illegible] Cattle Cove
[illegible] Jaxton

2.

with the Amount of
Work done by the Moore
Bills Replaced to the
Public Road & the Patte-
sons Ferry Crossing
as Nearly [illegible] Public
Public for to Make
Public Road Bills Cove
Creek Cove Cattle Cove
Cattle the Road to the
Residence

Wm Shackelford

25 Feb 62

Judl. Ltr. to Govt. 27th March
No. 5 of 1862.

Replied to: No 23 of 1862

Judicial 1862 Dept.

Minute by the Honble
Mr Morehead.

25th
28th Feby 1862

No 399

Relative to applying to the Govt of India for permission to carry out the introduction into this Presidency of Court of Small Causes & thereby reduce the files of the District Moonsiffs

c.267 78 to 81

Judicial Dept.

Proceedings of the Madras Govt.

Read again letters from the Court of Sudder Adawlut dated 21st August and 25th October 1861 No 892 and 105 and recorded in Proceedings of 30th January 1862 No 129.

Read also the following papers.

From the Registrar of the Sudder Adawlut. (R.C. 20th Feby. 1862 No 35)

Minute by the Hon. W.A. Morehead. (" 25th " ")

Order thereon. 10th March 1862. No 398.

Ordered that the following letter be despatched.

To the Secy to the Govt of India, Home Dept. R.C. 1862 No)

District Moonsiffs of the Zillah of Madura.

On the file of the Madura Moonsiff there were 2,608 suits, of which 278 had been pending more than a year, 361 more than six months, and 1,769 less than six months.

On the file of the Shevagunga Moonsiff there were 1,761 suits, of which 105 had been pending more than a year, 513 more than six months, and 816 less than six months. This Moonsiff, it was said, had also more than 700 plaints not yet brought on the Register of Suits.—

4. In their second letter the Judges brought to the notice of Govt. the great accumulation of suits on the files of the District Moonsiffs mentioned in the margin, and recommended that an additional District Moonsiff of the 3d Class might be appointed in each case to assist in reducing those files. They also suggested that the additional District Moonsiffs Court of Nagore, the retention of

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.

of which up to the end of 1861, had been sanctioned by the Govt. of India on the 16th March last, to be continued for a period of 15 months, i.e. till the 30th April 1863, the number of suits pending in that Court being 1183, while in the Court of the District Moonsiff of Negapatam, to relieve which the additional District Moonsiffs Court at Nagore was established, there were 1031 suits pending on the 1st July last.

5. Thus it will be seen there were when the Sudder wrote heavy arrears in the District Moonsiffs Courts of 6 out of the 21 Madras Zillahs. In eight District Moonsiffs Courts there were in the aggregate 14,738 suits in arrears, or on the average 2,388 suits in each Court.

6. The cost that would have been involved in the establishment of additional District Moonsiffs Courts as proposed by the Sudder would have been Rupees 1660 per mensem or

+ according to existing rates, but according to the rates recommended in my letter of the 4th instant No. 2480 month of or R 35760 yearly.

+

or Rs 19920 per annum.

7. In reply to these applications the Govt expressed their opinion that the best course to pursue to remedy the serious evil complained of - which was 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 Govt 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 Sudder 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 Govt had no doubt but that very many suits would

would be so dealt with. This step, they conceived, 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. Aftèr a Small Cause Court had been for some time in operation in a district, it would 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 would be requisite for the Govt 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 occurred to Govt that the safest and best mode that could be adopted for

the

Vide Supra
para 6

Into these details it will not be necessary to enter. It will suffice to state that the additional expence which will at first be occasioned will according to the Tabular Statement submitted be only Rs. 662-8 per mensem. This charge is very much less than would have been involved in the creation of additional District Moonsiffs Courts as originally recommended by the Sudder. It will moreover probably be eventually more than covered by the value of the Stamps, which will be used for plaints in the Suits instituted in the new Courts. The measure also if successful will tend to reduce the files of the District Moonsiffs; and some of their Courts may hereafter be abolished. The ultimate result will therefore be that a considerable saving will be effected, at the same time that a more expeditious and efficient system of administering justice will have been introduced.

10 The Madras Govt. beg very strongly to support the proposals of the Court of Sudder Adawlut, as above stated, and I am instructed to solicit the sanction of the Govt of India under Act XXIII of 1860 to the establishment of Small Cause Courts in the Zillahs of Chittoor, Cuddalore, Madura, Negapatam, Tanjore and Tellicherry, as also to the increase of expense attendant on their creation or Rs 662. 8 per mensem. In a recent Despatch, d/31st Decr (No 33) 1861, the Rt Hon. the Secretary of State has animadverted on the delay observable in the disposal of Suits in the Courts of the District Moonsiffs in this Presidency as compared with the average duration of such actions under the other Presidencies of Bengal. This difference I am to state arises from no inferiority either in legal

in a letter, 26 Feb. 62 No 29, which is forwarded herewith, to the observations of the Courts which occasion the great delay in the disposal of causes by the District Moonsiffs

legal acquirements, or zeal on the part of the District Moonsiffs of Madras, but is solely referible to the large accumulation of arrears consequent on the inadequacy of the existing establishments to cope with the mass of business in their Courts under the present law of procedure. and the want of the more summary mode of adjudication now proposed to be introduced.

11 In conclusion I am to solicit early orders on this reference as some time will be required to mature the necessary arrangements, and the files of the existing Courts will only become more overburdened by further delay. I am also to add that as the scheme of the Sudder was not received until after the despatch of the Budget no provision

for

for it has therein been made.

I have &c.

Fort St. Geo.e 10th March 1862.

Sd/

Secy. to Govt.

Legislative Dept.

Ind. Dept. Pro: 10th March 1862

No. 399

From The Secretary to the Govt. of India. Home Dept.

No. 687. 1379

Dated 10 March 1862

Forwarding correspondence relative to the Establishment of Courts of Small Causes under Act XXIII of 1860 in the Provinces of the Madras Presidency.

Grounds of Proposition, Recommendations.

Cost of Establishment, Receipts, Remarks.

Annexures. Remarks. Home Financial Dept. Orders of the Government of India.

Judl. Letter to Engd. 27th March No. 5 of 1862.

Judl. 1862

78 to 81

Lab 1628
Oc-347

Charge.

Years	Ordinary	Extraordinary	Total

Extract from the Home Dept.t Govern.t of India

Date.

Office to which the proposition refers.

Nature of charge.

Present Permanent Scale.

Proposed Scale.

Proposition.

Permanent — Increase per month / Decrease per month

Temporary — Increase per month / Decrease per month

Grounds or Extraordinary

Grounds of Proposition

Local Government's recommendation.

Orders of the Government of India

Home Dept.t — Remarks &c.

Financial Dept.t — Remarks &c. — Orders &c.

	Present Permanent Scale.	Rs.	A.	P.	Proposed Scale.	Rs.	A.	P.
Bellary	Salary and Establishment of the Principal Sudder Ameen	1077	"	"	Salary of a Principal Sudder Ameen	500	"	"
Calicut	Salary of the Subordinate Judge	1400	"	"	Salary and Establishment of a Small Cause Court Judge	1640	"	"
Chittoor	Salary and Establishment of the Principal Sudder's Ameen	1077	"	"	Do. Do. Do.	1640	"	"
Cuddalore					Salary of a Principal Sudder Ameen	500	"	"
Cuddapah	Salary of the Subordinate Judge	1400	"	"	Salary and Establishment of a Small Cause Court Judge	1640	"	"
Madura	Salary and Establishment of the Subordinate Judge	1973	8	"	Salary of a Principal Sudder Ameen	500	"	"
Mangalore	Salary of the Subordinate Judge	1400	"	"	Salary and Establishment of a Small Cause Court Judge	1640	"	"
Negapatam	Do. and Establishment of an additional Principal Sudder Ameen's Court	550	"	"	Salary of a Principal Sudder Ameen	500	"	"
Salem	Salary of the Subordinate Judge	1400	"	"	Salary of a Principal Sudder Ameen	500	"	"
Tanjore	Do. Do. Do.	1400	"	"	Do. and Establishment of a Small Cause Court Judge	1640	"	"
Tellicherry					Do. Do. Do.	1640	"	"
		11677	8	"		12,340	"	" 6628

On a proposition from the Sudder Court recommending the Establishment of eight additional District Moonsiffs' Courts to dispose of arrears, the Government made the following observations:-

"It appears to Govt. 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 Govt. to constitute under Act XII of 1860, Courts of Small Causes, in those Districts where their working promised to be beneficial. By this means the files of the District Moonsiffs would cease to be encreased."

"After a Small Cause Court has been for some time in operation in a district, it will probably be found that some of the District Moonsiffs Courts might be abolished. 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 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 these Courts could at once be established".

Sudder Court,
Registrar's Office,
20th February 1862.

C. D. Chamier
Registrar.

For Secretary to Govt.
Home Dept.

Chief Secy.

U.C. Speech
Workbook
Despatch

Judl. Lr. to Engd. 27th March
No. 5. of 1862.