

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1582	Press
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Dated	1. 10. 1863	19

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,

1st October 1863.

No. 7. Read the following letter from THOMAS WILKINS, Esq., Deputy Registrar of the High Court of Judicature at Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, dated Madras, 25th September 1863, No. 98.

With reference to the Order of Government, dated the 30th June last, No. 1,035, I am directed to forward a copy of a letter from the Civil Judge of Rajahmundry, stating his views in regard to the propriety of bringing into effect the provisions of Sections IV and V (Madras) Act IV of 1863 in the Zillah of Rajahmundry, and to state that, under the circumstances therein set forth, the Judges concur with the Civil Judge in considering it inexpedient, at present, to confer the powers of Small Cause Court upon either that Officer or the Principal Sudder Ameen.

From L. C. INNES, Esq., Civil Judge, Rajahmundry; to G. R. SHARPE, Esq., Acting Registrar of the High Court of Judicature, Madras, dated Rajahmundry, 6th August 1863, No. 255.

1. Adverting to the instructions of the Government as conveyed in their Proceedings, dated 30th June, No. 1,035, I have the honor to state my views in regard to the propriety of bringing into effect in this Zillah, under its present circumstances, Sections IV and V, Madras Act IV of 1863.

2. There were at the end of June 285 regular appeals from the Moonsiffs' Courts before the Court of the Civil Judge, including those referred to the Principal Sudder Ameen.

3. A careful analysis of these suits shows that only 42 would, under Act IV of 1863, be no longer appealable, leaving 243 which would still be appealable.

4. This is a diminution of between 16 and 17 per cent.

5. There were filed in 1862, 272 appeal suits, and up to June 1863 102, which, calculated for the whole year, allowing for the six weeks adjournment of the Moonsiffs' Courts, would give 238 in 1863, making an average of 253 per annum.

6. If this be lessened by 17 per cent. we have about 210 as the number which may be expected to be annually filed.

7. To the 285 appeal suits undisposed of at the end of June must be added at least 100 appeals which will be filed within the year.

8. The Principal Sudder Ameen may possibly decide 150 appeals suits between the end of June and the end of December, though, with his criminal work and the original suits before him, this is hardly to be expected.

I am not likely to be able to decide more than 70 by the end of the year.

Thus 165 appeal suits would still be remaining on the file by the close of the year.

9. The accompanying table will show the large number of suits of between 50 and 500 Rupees which would be adjudicable by the Civil Judge or Principal Sudder Ameen if either were vested with Small Cause Court powers.

10. The powers so given would certainly confer no advantage on the public, and would only have the effect of adding to the existing arrears.

11. Parties and witnesses would be subject to be harrassed by long journeys to the Small Cause Court, instead of being able, as is now generally the case, to find the Court they have to go to in the neighbourhood of their villages.

12. While there are arrears of appeals in this Court therefore I should not feel justified in recommending that Small Cause Court power be conferred upon either myself or the Principal Sudder Ameen.

13. The delay in attending to the instructions sent by the Government has been owing to my having to call upon the District Moonsiffs for returns in the form of statement accompanying.

(True Copy.)

(Signed) THOMAS WILKINS,
Deputy Registrar.

No. 8.

ORDER THEREON, 1st October 1863, No. 1,582.

To be recorded.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

N^o 1582 of 1st October 1863.

To be recorded

[Signature]