

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 256	Press ~~Mis.~~
203-205	
Dated 26 - 2 - 19 1864	

7/8

Not to be folded or roughly handled

10/1/1864

*Proceedings of the Madras Government, Judicial Department,
20th February 1864.*

Read the following papers:—

No. 223. From C. F. CHAMBER, Esq., Registrar of the High Court of Judicature at Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort St. George, dated Madras, 22nd January 1864, No. 8.

The Civil file in the Zillah of Salem being now sufficiently reduced to admit of the services of the Principal Sudder Ameen being dispensed with, I am directed to suggest that that Officer be transferred to Chittoor where there are more Appeals pending than the Civil Judge can be expected to decide within a reasonable time.

2. At Salem there are only 11 Original suits and 39 Appeals on the file of the Principal Sudder Ameen, and 104 Appeals on that of the Civil Judge; while at Chittoor the Civil Judge's file contains 57 Original suits and 265 Appeals.

No. 204. From J. W. CHERRY, Esq., Civil Judge of Salem; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated Salem, 23rd January 1864, No. 2.

My attention has been called to a report in a Madras newspaper, as well as to a rumour prevalent here, to the effect that Government have it in contemplation to abolish the Court of the Principal Sudder Ameen of Salem.

3. On a late occasion, when it was considered expedient to reduce the number of Moonsiffs in this Zillah, the High Court was pleased to confer with me on the subject. I have not been favoured with any communication in regard to this more important measure, and I now should be sorry to intrude upon the Government, were it not that I have been urged to put them in possession of particulars, which it is hoped will be duly considered, before their orders are carried into effect.

4. I have therefore the honor to submit the subjoined Statement of work performed by the Principal Sudder Ameen's Court:—

	Original Suits.	Appeal Suits.	Criminal Cases.	Miscellaneous Petitions.
1861.....	14	249	306	155
1862.....	58	231	161	209
1863.....	55	134	173	275
Total....	127	614	642	637
Average....	42	204	214	212

The above average is consequently the Civil work that will be added to what already passes through my Court, if the Principal Sudder Ameen's Court is closed—the original suits alone would take up the time left from my Criminal work.

5. I may here state that much of the backlog of the late subordinate Court, which all fell upon me has yet to be disposed of, and suits as far back as 1858 are only being just decided; those cases can only be attended to when all the current duties of Sessions trials, Magisterial Appeals, reviews of Criminal cases, miscellaneous petitions, and Original suits have been finished all got through.

6. My own Appeal file was kept down to a measure, by such kind of suits, from 'Moonsiff' decisions, being transferred to the Principal Sudder Ameen; but if there is no abatement of that kind in future, it is impossible to conjecture the amount of arrears that must necessarily accumulate, in regard to the Appeal suits in my Court which average 240 annually.

7. Since the commencement of this year, the Principal Sudder Ameen has had filed before him, two Original suits, nine Small Cause cases, and 54 Criminal cases.

8. I leave it to the Magistracy to point out how much their work will be increased by the addition of an annual average of 214 Criminal cases, to the number already actually disposed of by them, under their full powers, which for last year alone amounted to 241, independent of the many minor Magisterial trials.

*Proceedings of the Madras Government, Judicial Department,
26th February 1864.*

8. The Criminal work by itself in this District is sufficient to occupy the time of all the Officers; how it has increased in regard to my own Resident file will be best seen by the following figures for five years; the larger number for 1862 and 1863 being perhaps attributable to either the new Penal Code, or the new Police:—

1859 Sessions cases	63
1860 do	72
1861 do	92
1862 do	203
1863 do	262

9. I am aware that in some Districts, the Criminal file is very low—Ganjam for instance, where only 42 Sessions cases were entered for last year; but here, the above statement will show that the average for two years is at the rate of about 15 a month; when it is considered that my thing beyond 25 cases, is looked upon as a heavy Sessions for a full quarter at the Presidency with two Judges to take it in turn to hold the trials, some idea may be formed of the labor devolving upon a single Judge up-country in disposing of above double that number.

10. There is besides the fact, of which the general public is not aware, that a Sessions case when once disposed of at the Presidency, is never heard of again; whereas with all the same labor of taking down the evidence, and with the responsibility of the decision, which the Jury relieves the Judge from, in Madras, the Mufassil Judge has to go over the whole of the notes of the trial a second time, in order to present it in an intelligible shape to the Appellate Court, who do not appear satisfied with a mere short summary.

11. Notwithstanding there are the ample English notes furnished to refer to, the High Court Judges seem to look for a full history of each case, with the reasons for the decision arrived at, and an occasional description of the demeanour of the witnesses; a duty very easily performed "viva voce," at the time the case has been heard, but not so easily done when it has to be reduced to writing some time after; the Sessions being got over quickly at the time, in view to the parties not being detained a day longer than necessary, for fear of the Salem chakras.

12. From the above it will be seen that not only has the Criminal work doubled in quantity, but that there is, what seems to me, an unnecessary repetition of it; all this I trust will weigh with the Government, when they propose to saddle the Salem Judge with more work on the Civil side of his Court.

13. About a fortnight ago, I was called upon (why, I did not know), to furnish the High Court with a return of the actual work, Criminal and Civil, done by me, during the last quarter of last year.

It was as follows:—

Amount of work performed in last quarter of

Salem.

	Original.	Appeal.	Sessions Cases.
1861	4	28	22

for the corresponding quarter in the two preceding years, it was

Salem.

	Original.	Appeal.	Sessions Cases.
1861	0	5	24
1862	1	25	55

whereas, for the same quarter, when I was not in charge of the Court, there were

Salem.

	Original.	Appeal.	Sessions Cases.
1862	0	0	5
1863	0	27	12

14. As "comparison is the test of truth," I feel sure that the Government will see, that no reason has been stated on my part, and that I have really done far more work than was ever disposed of by my predecessors; especially when it is borne in mind, that I have, what they had

*Proceedings of the Madras Government, Judicial Department,
26th February 1864.*

not, the charge of the Jail, involving as it does all the multifarious and anomalous duties connected with the management of, sometimes, 700 convicts.

15. It is not, however, only for myself I plead, I wish to represent the interests of the many others in this large District; the abolition of the Subordinate Court two years ago, subsequently of the Additional Sadler Ameen's, and that recently of three Moonsiff Courts with their Establishments, has reduced the cost of the Salem Judicial Establishment by some 2000 Rupees, to which will be added another 1000, if the Principal Sadler Ameen's Court goes too; making as many as six thousands of justice lost to the people.

16. It would not be right in me to conceal that the shutting up of these Courts, does produce an impression in the popular mind, that the Government contemplate the denial of those means of justice and redress, which have all along been considered as their just dues, and which, in happy contrast with other countries, is always looked upon as a characteristic of the rule of a just and paternal Government.

17. The abolition absolutely of the Principal Sadler Ameen's Court of Salem would, in my honest opinion, be a measure of doubtful, if not dangerous policy, and certainly be attended with most important consequences.

18. Delay and expense must be the inevitable result to litigants. Single-handed, it is impossible for me to do more than I have done, with advantage to the public or credit to myself, and it is known that I have suffered in health, in consequence of my exertions.

19. Should Government however take an adverse view, I think this a proper opportunity for urging direct, what I had the honor of doing six months ago, through the High Court.

20. In answer to a requisition from the Government, under date the 30th June 1863, it was proposed by me to invest the Principal Sadler Ameen with special jurisdiction, under the Small Cause Act, in suits from 50 to 500 Rupees, in the whole District; Salem being constituted the head station, and occasional sittings to be held at Namal to the South, and Kinnegherry to the North of the District.

21. The High Court over-ruled this proposition in their letter to Government of the 29th July 1863, on the ground that "it was not advisable to keep on the move to an indefinite extent" an Officer who has already a considerable amount of duty on his file."

22. As the extent of that Officer's duty has rather increased than diminished during the subsequent period, it seems but fair and consistent, that the same reason should outweigh all others, when it is proposed to move him altogether.

23. The very circumscribed jurisdiction that was on that occasion conferred on the Principal Sadler Ameen, viz., the town of Salem and its suburbs, produced, as might well be supposed, a very considerable addition of suits under Act IV of 1862.

24. But what I do think is a fact that should be especially considered, in regard to the claims of this District for a Small Cause Court, having jurisdiction through the long and breadth of it, is, that out of the total number of suits filed in the 10 Moonsiff Courts during the three years of 1862, 1863 and 1864, amounting to 27,861, there were no less than 21,080 that could have been disposed of by a Small Cause Judge; the number of other suits for that period being only 6781!

25. This will be seen from the Statement that accompanies this letter. In soliciting attention thereto, I venture to say that in very few Zillahs, if any, could this Act be extended better than in Salem, where the nature of the litigation is essentially "Small Cause," that is, for single claims of more than 500 Rupees.

26. My time is constantly being taken up with disposal of 402 Appeal suits, in which one side, sometimes both, are dissatisfied with the Lower Court's decision in a matter of less than 50 Rupees.

27. The labor of going through such a roll, is the same as if it were for 10 times the amount; even now out of the 264 South Appeal suits that were filed in my Court for last year, more than one-half, viz., 139 were Small Cause claims, and ought never to have found their way to me. It appears to be a provision to punish for legal protraction.

*Proceedings of the Madras Government, Judicial Department,
26th February 1864.*

28. Under the above circumstances, I need hardly say, how advantageous it would be, both as a measure of public expediency, and of financial economy, to establish a Small Cause procedure through the whole District of Salem, the savings already effected would supply ample funds, and perhaps two more Munsiff Courts might eventually be closed, as soon as the arrears had been worked off.

29. There seems to be no reason why, in the event of a Small Cause Judge being appointed, he should not also be invested with the same Criminal powers as a Principal Sudder Ameen, and dispose of cases wherever he holds his sittings, thus getting over the difficulty of adding to the Criminal file of the Magistracy. I should also be relieved somewhat by the reduction of the Civil Appeals.

30. Mr. Daws, the present Principal Sudder Ameen, is an able and hardworking Officer, and one whom all in this District would gladly see retained, whether in his present capacity, or as a Small Cause Judge.

31. I beg to apologise for the length of my letter, which I trust will be received in the spirit in which it is tendered, viz., urged for the interests of the Salem public.

*Proceedings of the Madras Government, Judicial Department,
26th February 1864.*

Statement showing the number of Suits filed in the Salem Munsiff Courts from 1850 to 1863.

Kanniyakumari	Vannar			Kanniyakumari			Tirupur			Vellore			Quar.			Dist. Prop.			Munsiff Halls		
	Suits of Small Cause	Other Suits	Total	Suits of Small Cause	Other Suits	Total	Suits of Small Cause	Other Suits	Total	Suits of Small Cause	Other Suits	Total	Suits of Small Cause	Other Suits	Total	Suits of Small Cause	Other Suits	Total	Suits of Small Cause	Other Suits	Total
1850	1208	190	1398	608	312	920	612	361	973	405	119	524	1420	175	1595	1445	1203	2648	17	14	31
1851	1200	200	1400	671	95	766	500	203	703	367	223	590	529	327	856	623	738	1357	28	20	48
1852	1805	75	1880	1300	100	1400	1000	1700	2700	750	3450	1100	2500	3600	4100	1000	1300	2300	28	20	48
1853	2700	185	2885	2400	200	2600	2078	2008	4086	1823	1023	2846	5004	744	5748	5091	3003	8094	45	42	87

(Signed) J. W. CHELSEA,
Civil Judge.

Proceedings of the Madras Government, Judicial Department,
26th February 1864.

No. 253.

Order revision, 26th February 1864, No. 253.

In the first of the letters above recorded the Honorable the Judges of the High Court recommended that the Principal Sudder Ameen now stationed at Salem be transferred to Chittoor, the Civil file in the former Zillah being sufficiently reduced to admit of the services of a Principal Sudder Ameen being dispensed with, while at Chittoor there are more appeals pending than the Civil Judge can be expected to decide within a reasonable time.

2. The Civil and Sessions Judge of Salem strongly objects to the removal of the Principal Sudder Ameen. He states that the work of the Sessions Court is very heavy, and that unless the Civil Judge be aided by a Principal Sudder Ameen in the disposal of appeals, or the number of appeals be reduced by the establishment of a Small Cause Court, it will be impossible for him to go through his work. In reference to the latter suggestion, the Civil and Sessions Judge submits a statement of the suits filed in the several District Munsiff Courts during the years 1859, 1860 and 1861, from which it appears that out of a total number of 27,061 suits filed during the three years in question in the several Courts, no less than 21,000 were of a nature to be cognizable by a Court of Small Causes. Mr. Cherry also adverts to the recommendation made by him in July last, to the effect that the Principal Sudder Ameen should be invested with special jurisdiction under Act IV of 1863 throughout the District, holding sittings occasionally at Kurnool and Nandial, which was rejected by the Judges of the High Court on the ground that it was not advisable to keep on the move, to an indefinite extent, an officer who has already a considerable amount of duty on his list.

3. The Governor in Council considers that there is much force in the objections urged by Mr. Cherry against the removal of the Principal Sudder Ameen, and he trusts that the requirements of the Chittoor Zillah will be sufficiently met by the arrangement which has been made for investing the Judge of the Court of Small Causes in that Zillah with the powers of a Principal Sudder Ameen.

4. That it is clear that if the appeal file at Salem is so light as to warrant the High Court in recommending that the Principal Sudder Ameen should be dispensed with, the objections which prevented the Honorable the Judges from supporting Mr. Cherry's recommendations in regard to investing the Principal Sudder Ameen with special jurisdiction throughout the District, have ceased to exist. The Governor in Council accordingly resolves not to give effect to that recommendation.

Madras Civil Court,
26th February 1864.

Year	Total number of suits filed during the 3 years 1859, 1860, 1861	Total number of suits filed during the 3 years 1859, 1860, 1861	Madras District			Madras District		
			Suits filed	Suits of Small Causes	Other Suits	Suits filed	Suits of Small Causes	Other Suits
1859	27,061	27,061	10,000	10,000	10,000	10,000	10,000	10,000
1860	27,061	27,061	10,000	10,000	10,000	10,000	10,000	10,000
1861	27,061	27,061	10,000	10,000	10,000	10,000	10,000	10,000
Total	81,183	81,183	30,000	30,000	30,000	30,000	30,000	30,000

Judicial Department

Proceedings of the Madras Government
Read the following papers.

Letter from the Registrar of
the High Court at Madras } New Order 22nd January 1864
(Appellate Case) }
Letter from the Civil Judge } of Salem } 29 January 1864

Order thereon 26 February 1864 No. 253.

In the first of the letters above recorded the Honorable the Judges of the High Court recommended that the Principal Sudder Ameen now stationed at Salem be transferred to Chittoor, the Civil file in the former Zillah being sufficiently reduced to admit of the services of a Principal Sudder Ameen being dispensed with, while at Chittoor there are more appeals pending than the Civil Judge can be expected to decide within a reasonable time.

2. The Civil and Sessions Judge of Salem strongly objects to the removal of the Principal Sudder Ameen.

to the removal of the Principal
Sudder Ameen. He states that
the work of the Sudder Court
is very heavy, and that
unless the Civil Judge be
aided by a Principal Sudder
Ameen in the disposal of
appeals, or the number of
appeals be reduced by the
re-establishment of a small
Court, it will be
impossible for him to get
through his work. In reference
to the latter suggestion, the
Civil and Sessions Judge submits
a statement of the suits filed
in the several District Munsif
Courts during the years
1859, 1860 & 1861, from which
it appears that out of a
total number of 27,861 suits
filed during the three years,
in question in the several
Courts, no less than 23,680
were of a nature to be cognizable
by a Court of Small Causes.
Mr. Cherry also adverts to
the recommendation made
by him in July last to the
effect that the Principal
Sudder

Ameen should be
invested with special juris-
diction under Act IV of 1863
throughout the District, holding
sittings occasionally at Kot-
aherry and Namkhah,
which was rejected by the
Judges of the High Court on
the ground that it was not
advisable to keep on the move
to an indefinite extent, an
Officer who has already a
considerable amount of
duty on his file.

3. The Governor in Council
considers that there is much
force in the objections urged
by Mr. Cherry against the
removal of the Principal
Sudder Ameen, and he trusts
that the requirements of the
Chittor Zillah will be suffi-
ciently met by the arrange-
ment which has been made
for investing the Judge of
the Court of Small Causes
in that Zillah with the
powers of a Principal Sudder
Ameen.

H. B. D.

4 But it is clear that
if the ^{appeal} file at Salem is as
light as to warrant the
High Court in recommen-
ding that the Principal
Ludov. Anson should be
displaced with, the objection
which prevented the House
the Judge from supporting
Mr. Cherry's recommendation
in regard to investing the
Principal Ludov. Anson with
special jurisdiction throughout
the District, have ceased
to exist. The Governor in
must accordingly resolve
now to give effect to that
recommendation. The
 requisite notification will
be published in the
Fort Saint George Gazette.

To the Honorable the Lords of the High Court
- Court House of the High Court
- President of the High Court
- President of the High Court

Federal Hill, Ky. 1856

1856

Volume

Boarding of 400

Feb 14 1856

645 1/2

March 28 - 1856

Leading Ladies regarding
the formation and the
admission of the Society
to the Church of Christ
to Christ