M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1774 Press Mis.

97-150

Dated 13 — 12 — 19 1851

Pol

Not to be folded or roughly handled

Read the following papers :—

No. 97. From the Acting Civil Judge of Salem, to the Chief Secretary to Government, Fort Saint George; dated Salem, 30th November 1865, No. 16.

I have the honor, with reference to paragraph 3 of the orders of Government, dated 11th instant, No. 1602, to state that none of the 291 Small Cause Court cases, therein mentioned, could have been disposed of by the local District Moonsiff, except as regular suits, as they all exceeded in value the sum of Rupees 50.

2. The statement called for in paragraph 2 will be forwarded shortly.

No. 98. From the Acting Civil and Session Judge of Salem, to the Chief Secretary to Government, Fort Saint George; dated Salem, 5th December 1865, No. 17.

With reference to paragraph 2 of my letter, No. 16, of the 30th ultimo, I have the honor to forward the statement called for in paragraph 2 of the Government order, dated 11th idem, No. 1602.

Operations of Magistracy including Magistrate, Joint Magistrate, Head Assistant Magistrate and Deputy Magistrate.

Offices.	Number of Criminal cases pending when the Session Court re-opened (20th June 1865) after the adjournment.	Number of Criminal cases received between the 20th June and 30th September 1865.	Number disposed of during the same period.	Number of cases pending on the 1st October 1865.
Honorable D. Arbuthnott, Magistrate...	3	10	12	1
H. S. Thomas, Esq., Joint Magistrate...	7	46	46	7
F. Brandt, Esq., Head Assistant Magistrate.....	10	64	60	14
B. C. Leggatt, Esq., Deputy Magistrate...	15	23	37	1

SALEM SESSION COURT,
5th December 1865.

(Signed) H. E. SULLIVAN,
Acting Session Judge.

No. 99. ORDER THEREON, 13th December 1865, No. 1774.

On consideration of the statement submitted with the foregoing letter, and of certain returns which have been obtained from the High Court, the Governor in Council questions the expediency of abolishing the Principal Sudder Ameen's Court at Salem at the present time.

2. It appears, however, to His Excellency in Council to be deserving of consideration whether one of the two District Moonsiffs' Courts now located at Oossoor and Kistnagherry, which places are only 24 miles apart, might not be dispensed with.

3. On the 1st October last, the state of business in these Courts was as follows :—

	Regular suits.	Small Causes.
Oossoor Court..... ...	55	82
Kistnagherry Court....	72	48

The Governor in Council resolves to request that Mr. Justice Innes, who is at

present engaged in revising the subordinate Judicial Establishments will consider whether one of these might not be abolished.

(True Extract).

Chief Secretary.

To the Civil Judge of Salem.
" Honorable L. C. Innes.
" Honorable the Judges of the High Court.

Exd. J. H. Burns.

JUDICIAL DEPARTMENT.

No. 1775.

To

THE HONORABLE L. C. INNES.

HONORABLE SIR,

I am directed to send you the enclosed Proceedings of Government, with reference to the inquiry in which you are now engaged, and to request that you will be so good as to consider the expediency of abolishing one or other of the District Moonsiff's Courts at present stationed at Oossoor and Kistnagherry.

13th December 1865, No. 1774.

I have the honor to be,
Honorable Sir,
Your most obedient Servant,

FORT SAINT GEORGE,
13*th December* 1865.

Chief Secretary.

Exd. J. H. Burns.

No. 16 Salem Civil Court
30th November 1865

From

J.C.E. Sullivan Esqre.
Ag Civil Judge of Salem

To

The Honble A.J. Arbuthnot
Chief Secretary to Government
Madras

Sir

I have the honor with reference to para 3 of the orders of Government dated 11th instant No 1602 to state that none of the 291 Small Cause Court cases therein mentioned could have been disposed of by the local District Moonsiff except as regular suits as they all exceeded in value the sum of Rs 50.

2 The statement called for in Para 2 will be forwarded shortly.

I have the honor to be
Sir
Your most obedient Servant
A Sullivan
Ag Civil Judge SC

Judicial

No 2584

From
The Acting Civil Judge of Salem
Dated 30th November 1865

To
The Chief Secretary
to Government
Madras

The Petitioner appears, Advocate, in person. The Petitioner filed his Petition in the Court of the Principal Sudder Ameen of Salem praying that a decree may be passed in favor of the Petitioner for the sum of Rupees 153 with interest thereon at the rate of 2 per cent per annum from the 15th October 1864 the date of the Petitioner's cause of action, and for costs of suit. The Petitioner stated that he had purchased from the Defendant a certain quantity of Tamarind at the rate of 3 Rupees per Candy of 560 lbs, and that he had paid the Defendant the sum of Rupees 153 on account of the said purchase, but that the Defendant had failed to deliver the Tamarind. The Defendant admitted the receipt of the sum of Rupees 153 on account of the said purchase, but stated that he had delivered the Tamarind to the Petitioner at the rate of 110 lbs per Candy, and that he was ready to deliver the remainder of the Tamarind at the same rate. The Petitioner's Vakeel stated that the Petitioner was willing to receive the Tamarind at the rate of 110 lbs per Candy, but that the Defendant had refused to deliver the Tamarind at that rate. The Petitioner's Vakeel stated that the Petitioner was willing to receive the Tamarind at the rate of 110 lbs per Candy, but that the Defendant had refused to deliver the Tamarind at that rate.

Dated 30th November
Recd — 2nd Dec 1865

No 16 No 2584

Informing that none of the Small Cause Cases referred to in the order of Govt dated 11th Nov No 1602 could have been disposed of by the Local Dist Mff except as regular suits

Judicial 1865 Department

From
The Ag. Civil Judge
of Salem

To
The Chief Secretary
to Government
Madras

Dated 30th November
Recd — 2nd Dec 1865

No 16 No 2584

Informing that none of the Small Cause Cases referred to in the order of Govt dated 11th Nov No 1602 could have been disposed of by the Local Dist Mff except as regular suits

Nos. 11 = 1 Nov. 1865 Nos. 90 & 91.

97.

These arrears, however, cannot be regarded as large, and therefore there would be no difficulty, I think, in doing away with the P.S. Assistant and letting the Civil work fall into arrear into the hands of the P.S. As he has had so much criminal business before him, and the number of trials held in the Lefroy Court has been 54 during the three months under notice, that he be relieved altogether of the P.S. A in the criminal branch, & render the Lefroy Court as little unmanageable as can be an effectual step in the S. Judge's disposal of the Civil business of the Court, & all though this be:-

original suits - 2.
appeal " - 96.

to which, of 62 appeals remaining for disposal by the P.S. A, be added, the aggregate left the Civil Judge would be 158.

The Magistrate of the district has settled 12 criminal cases during the three months under remark.

The numbers of those of the P.S. Assistant

had risen, in 39, and the statements submitted by the Cos. Judge exhibit a tendency to an increase in the P.S. Assistant's criminal work. Although this, it may be obviously impossible for the Magistrate of the district to do more magisterial work than has fallen to his share, I do not feel sure that he ought to expect from him, taking into consideration his other general duties, - as much as the aggregate of his own & the P.S. Assistant's work.

Furthermore, therefore, it will be well, I consider, to leave the P.S. A Court as it is, to enable the Cod^e are in a position to attach to the Salem district, ~~as assistant~~ in addition to the Head assistant, an assistant with full magisterial powers. There are now to many young men studying for a pass by the two standards that the time for the arrangement ought not to be remote.

Until then close the P.S. Assistant Court for there will be no difficulty in that arrangement, as keeping at Salem ~~because~~ the assistant ~~appointed~~ may be - to carry out the plan: the saving will be the difference between the salary and allowances of the P.S Assistant and the salary of the assistant magistrate, this small total being taken from both which must be kept in pocket

Judiciary etc.

There are at present Dis Mffs Courts at Coopoor and at Pittapherry, some 22 or 24 miles apart. The number of suits on the files respectively at the 1st October last, was 55 and 72, or at the rate of 30 per month per mensem, just 2 months business for the one and a little over 2 months for the other.

The Small Cause Court causes before them at the above date, were 82 and 48. These, according to the rule of the High Court in force at the present time, ought to be settled at the rate of not less than 10 a day.

There would then seem to be no justification for keeping up both these Courts. And I would suggest that the Members attached to each be otherwise employed.

~~I append forms of Returns which will show the distribution of Business~~

A D K

9 Dec 03.

The P S Cause Court at Salem should be maintained for the present at all events.

And I am not so clear that it can be abolished even then.

For during last the District Moonsiff of Salem took the P S C sittings instead of which of 13 were pending on the 1 Oct last - and the Civil Judge took his appellate side of which 62 were pending at the same date - these will remain for the Small Cause Court work. I observe that between the reopening of the P S C Court and 1 Oct 420 of such suits were instituted - Which 291 were

beyond the S.C. Jurisdiction of a distinct Proprietor — who will deal with them when the S.C. Court is closed? Salem seems to me a very proper place for a S.C. Court the proposed inference may be made to the High Court at Coimbatore and Nilgiris to Cossoor and Nilgiris

the Court.

J.P.

& Dec.

Judicial Department.

PROCEEDINGS of the **MADRAS GOVERNMENT.**

Read the following letter from the Acting Civil and Sessions Judge of Salem.

(Enclosures 20th Nov: 30th Dec: 1816 & 16th 17)

Order thereon 13th December 1816 No. 1774.

On consideration of the statements submitted with the foregoing and of certain returns which have been obtained from the High Court, the Governor in Council questions the expediency of abolishing the Principal Sudr Ameen Court at Salem at the present

2 He apprehends however to His Excellency in Council to be deserving of consideration whether one of the two District Moonsiffs Courts now located at Cossoor and Nilgiris, which places are only 24 miles apart

apart might not be dispensed with.

3 On the 1st. October last the state of business in these Courts was as follows:—

	Regular Suits	Small Causes
Co[illegible]r Court	65	82
Kilmaghrey Court	72	48.

The Governor in Council resolved to request that Mr. Justice Innes who is at present engaged in revising the Subordinate Judicial Establishments will consider whether one of these might not be abolished.

To the Civil Judge of Salem
" Hon: L C Innes
" Hon: the Judges of the High Court

Letter 16/12

Recd. 16/12 with Bom. Lr. 1774

Judicial Department.

To

No. 1775.

The Hon'ble L. C. Jones.

Hon'ble Sir,

I am directed to send for the Enclosed Proceedings of Government with reference to the Enquiry in which you are now engaged and to request that you will be so good as to consider the expediency of abolishing one or three of the District Municiffs Courts at present stationed at Bassein and Rutnagherry.

15th Dec. 1865.

No. 1774/74

J.W.

W.O.M.

Lord Mo. Engd. 13th Dec. 1865

Recd. 19th Dec. 1865.

Dated 13th December 1865.

Judicial Department.

No. 1774

PROCEEDINGS OF GOVERNMENT.

Bd. of Revs.

Dy. C.S.

From No. 2755, G. M.—14-11-65—500.

Judicial 1865 Departt
1774-7
№ 1775.

To
Fre. Nobbs & C. Innes

Date 13th December 1865