

# MADRAS RECORD OFFICE.

Government of Madras.

*Indrial* DEPARTMENT.

G.O. No.

469

Press

~~Mis~~

Dated

28.3.1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department*

*20th March 1865*

Following papers:—

From P. P. HUTCHINS,

Judicature at Madras, to the H.

Fort Saint George

as, 6th February

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The Governor in Council do  
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\* The nature of such business should be stated in Column of remarks.  
(True Extract).

5. The Return  
by such remarks as they may d

*Chief Secretary.*

To the Honorable the Judges of the High Court.

„ Judges of the Courts of Small Causes at Negapatam,  
Chittoor, Tellicherry, and Combaconum.

„ Civil Judges of Tranquebar, Chittoor, Tellicherry and Combaconum.

Exd. J. H. Burns.

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Jan 25<sup>th</sup> January 1865 at 220/1

Judicial 1865 Depert  
No.

Do not the H. Court mean  
to refer to my powers  
as may be & as justice of the  
peace, as well as to the P. S. &  
jurisdiction? - Any how, his  
primary duties are those of  
S. C. Court Judge and I should  
be sorry to see him <sup>partly</sup> diverted  
of these, simply for the purpose  
of transcribing them to a dis-  
tance across the road -  
I do not rather leave him as he  
is with exclusive special ju-  
risdiction in civil up to, as well  
as in <sup>ordinary jurisdiction</sup> 50 Rs. in amount,  
and later away a P. S. Officer  
from where he is not wanted  
(I believe to visit) and at once  
let him to work at reducing  
the Draughtbar File. - This  
will mean he is seriously meddling  
with the S. C. C. Judge at  
Muzhapalam, who even without  
his 50 Rs. jurisdiction, has I  
understand, plenty of work -  
9.2.65 W.D.

as 220/1  
12th "hand  
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The Acting Registrar of the  
High Court of Judicature  
P. Madras  
To The Chief Secretary to  
Government.

Feb 6<sup>th</sup> } February, 1865.  
Recd. yr.

No 17.  
No 305  
Intimating that for  
reasons stated the Judges  
of the High Court see no  
reason for recording  
that the Judge of the Small  
Cause Court of Negapatam  
should be divested of his  
exclusive special jurisdiction.

Judicial Department

Memorandum for the

Chairman of the High Court of Judicature at Madras 11th January 1885 No. 17.

of the Small Causes Court at Nagapattanam } 25th 1884

With reference to the remarks of the Members of Council on the High Court's letter of the 6th I thought it advisable to call for the information which the Judge of the Court of Small Causes at Nagapattanam has furnished in his letter of the 25th ultimo and from which it will be seen that out of 860 small causes, in the Court of Small Causes invested with ... some special jurisdiction 500 or 600 of the ... other were ... under Rs. 50 which might have been disposed of by the District Magistrate.

2 The transfer of these suits to the District Court would surely be a great relief to the

Court

Recd  
11th Jan 1885

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It will be found, I think, that the  
arrangement under Mr. Croft is now  
working, or an arrangement made by the Gov-  
ernment. Being so, should not the Govt. at  
once sweep away any embarrassment  
that may appear to have arisen out of  
that arrangement, rather than seek the  
opinion of the Report. Who certainly are  
not disposed, as I know, to admit that  
these matters belong to their province.

Exclusive special jurisdiction over all  
the Salem Dist. was given to Mr. Dancer at  
Salem. He is disposed, I believe, to stand  
back, and are now awaiting a reply from the  
Report, of my memory seems me further.  
But Mr. Dancer will still have returned  
when the Exclusive special jurisdiction  
over an area henceforth to be determined.  
Is it not to be a day or 2 days journey  
from Salem as a centre.

It then be done at Salem, I would also  
carry out the same system at Nepean,  
for I feel sure that the people there, place  
more confidence in Mr. Croft's work with the  
tribes so the people said; than they have had  
in Mr. Mr. Hallard's or in that of his  
successor. If we withdraw the Ex. Jur.  
from District from Mr. Croft, we should also  
take it away from Mr. Dancer at Salem.  
Otherwise there will be an interference of  
system.

had doubt the Hallard's successor as Mr.  
Mr. at Nepean with regard to see the  
50 Mr. said again in his file, for if he does  
let out them, his point must soon be abolished,  
and it was to meet this impending danger  
that Mr. Hallard wrote to Govt. that preceding  
letter.

on the whole I think it will simplify

matters later - the - Sir Mr  
 do the - up to 50 M. sent business  
 to get the profit labor added  
 more ~~likely~~ <sup>likely</sup> ~~not~~ to the appeal  
 disapprove of by him as P. L. A  
 But then settled, there will  
 be any thing for the  
 Salem P. L. A. to do.

Before Mr Sharpe went to England the work of the S. C. Court at Edinburgh was somewhat current in many of the more advanced & more liberal circles of the present state of things.

+ the Bell provides for  
a Referee & for this  
under penalty on (penalty)  
to determine if each was  
decided by the Referee  
of whom there may be  
General in a C.

403

is the following

— Judge of the Court of — 25 — — 69.  
Am a Causes. Negapatam's

Order theorem No 469. 23<sup>rd</sup> March 1865

The Governor in Council  
does not deem it advisable  
to relieve the Judge of the  
Court of Small Causes as  
Tegapatam of his duties as  
Principal Sudder Ameen.  
It appears from the return  
furnished on the Mr. Croft's  
letter of the 25<sup>th</sup> ultimo  
that out of 800 small  
causes filed in his Court  
during

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during the last six months  
of 1862, no less than 376  
suits or 45 per cent of the  
entire number were for sums  
not exceeding Rs 50, and would  
have been cognisable by the  
District Moonsiff, if Mr.  
Croft had not been invested  
with exclusive special  
jurisdiction. His work in  
his capacity of Principal  
Sudder Ameen during the  
period in question was not  
heavy, and the Small  
Causes for sums up to Rs  
50 had been excluded from  
his jurisdiction, he would  
have had ample time for  
the remainder of the Small  
Causes filed in his Court,  
as well as for the suits brought  
before him as Principal  
Sudder Ameen.

2 It appears to the  
Governor

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Governor in Council that  
as a general rule, the  
functions of the Judges  
the Small Cause Courts  
in the Provinces, should  
not be allowed to interfere  
with those devolving on the  
District Moonsiffs under  
Act III of 1803, unless it can  
be shown that there is no  
other judicial work on which  
the Judge of the Small  
Cause Court can be  
usefully employed. When  
as in the present instance,  
there is a certain amount  
of work beyond the jurisdiction  
of a District Moonsiff which  
can be got through by the  
Judge of the Small Cause  
Court, without interfering  
with the disposal of those  
Small Causes which he  
alone is competent to  
try

There is no reason why  
small Causes which in  
other parts of Gillah  
would be cognizable by  
District Courts should  
not be tried by an Officer  
of that Class. atam.

Council according, resolves  
 to cancel the act of the  
 certification issued under  
 date the 5<sup>th</sup> April 1864  
 which invests the Judge  
 of the Court, all Causes  
 at Nagapatan with  
 exclusive special juris-  
 diction.

4. Adventing to the  
delays.

delays to which Mr. Goss alludes in the disposal of Small Causes in those Courts in which the Judge has been invested with the powers of a Principal Sudder Ameen, the Governor in Council directs that the Judges of the Courts of Small Causes at Chittoor, Tellicherry & Combaconum, ~~and~~ ~~Madras~~, will submit the Civil Judges of the respective Zillahs Statements prepared in annexed form, shewing the number of suits filed and disposed of in each Court, during the six months ending on the 31 December 1862, the number of days on which the Court has sat

(a) for the trial of Small Causes  
(b) for the trial of suits cognizable

cognizable by a Principal  
Sudder Ameen,  
and the arrangements in  
force for the disposal  
of each description of  
business.

5. The return will be  
submitted by the several  
Civil Judges, accompanied  
by such remarks as they  
may deem it proper  
to offer.

*[Handwritten signature/initials]*

| C. | Month. | Small Cause cases                               |                                                 |       |                                     |                                                 |                                         |                                                              | Principal Ameen                        |                                      |
|----|--------|-------------------------------------------------|-------------------------------------------------|-------|-------------------------------------|-------------------------------------------------|-----------------------------------------|--------------------------------------------------------------|----------------------------------------|--------------------------------------|
|    |        | Number of<br>suits in-<br>cluded<br>above Rs 50 | Number of<br>suits in-<br>cluded<br>below Rs 50 | Total | Number of<br>suits dis-<br>posed of | Number of<br>suits in-<br>cluded<br>above Rs 50 | Average<br>duration<br>of each<br>suit. | No of days<br>occupied in<br>the trial<br>of small<br>cases. | no of suits<br>disposed of<br>original | no of suits<br>disposed of<br>appeal |
|    |        |                                                 |                                                 |       |                                     |                                                 |                                         |                                                              |                                        |                                      |

| Principal Sudder Ameen Side                           | * No of days<br>occupied<br>on other<br>business.                         | No of Sundays<br>and holidays. | Remarks as to the arrange-<br>ments in force for the trial of<br>small cases and of other<br>suits respectively. |
|-------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------------------------------------------------|
| No of suits<br>pending<br>at the end of<br>the month. | No of days occupied<br>in the trial of suits<br>as Principal Sudder Ameen |                                |                                                                                                                  |
|                                                       |                                                                           |                                |                                                                                                                  |

\* the nature of such business  
should be stated in Column of remarks.

to the Honble the Judges of the High Court.  
— Judges of the Courts of Small Causes.  
at Nagapattinam, Chittoor, Tellicherry &  
Cumbacorum. *desp 28/3*  
and Judges of Tanjore, Chittoor, Tellicherry &  
Cumbacorum & Madras Courts.

*est* 1865 Department.

No. 469.

PROCEEDINGS OF GOVERNMENT.  
*Feb 795.*

Dated *Feb. 1865*.

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17. March  
1823.