M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 603 — Press / Mis.

272.273

Dated 14— 3— 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 14th March 1861.

No. 272. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court, to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 4th March 1861, No. 28 :—

SIR,

1. I am directed by the Judges to state with reference to the remarks of Government in paragraph 2 of their Proceedings dated the 27th ultimo, that they have considered it right to institute inquiries, with a view to ascertain the average length of time generally intervening between the date of pronouncing judgment and the preparation of the Court's decrees.

2. They observe with regard to the two suits referred to in the third and fifth paragraphs of their former letter, that it is difficult at this distance of time to discover what causes may have led to the interval in those cases being so considerable; but the Judges conclude that they must have been of an exceptional character.

3. It appears that, in the month of January last, eighteen days on an average elapsed between the date of judgment and that of sending decrees to press.

4. The Judges remark that though no time is lost in writing up most of their judgments, cases sometimes arise in which judgment is reserved for subsequent consideration; or in which authorities and text books have to be consulted, and precedents searched for; or in which discussion takes place as to the terms in which the judgment shall be expressed; or in which the Judges differ, and each has to record his opinion in succession; and such cases tend to swell the average time occupied in preparing the decrees generally.

5. The Government are probably not aware of the extent to which the duties of the Court have of late years increased, in regard to the decision of appeals.

6. Referring to the files of the last five years, the Judges find that the number of judgments pronounced has risen from 148 in 1856, to 377 in 1860. This latter number, distributed over the 84 Court days appointed for hearing appeals, gives an average of between four and five judgments for each of such days. In the first month of the current year, judgments were written in no less than *ninety-three* cases, whilst the number in the corresponding month of 1860 was only *nine*.

Year.....	1856.	1857.	1858.	1859.	1860.
Judgment.	148	169	196	207	377

7. After the written judgments have been received into the Registrar's Office, a bill of costs has to be prepared and appended to each. In the majority of cases the calculation of the costs involves but little trouble; but in suits in which parts of the claim are allowed and the remainder disallowed, much confusion arises, and the proportion of costs to be borne by the respective parties can only be calculated with difficulty.

8. When the bill of costs has been completed a translation of the decretal part of the judgment has to be made, and then the decree has to be prepared in due form for the press.

9. In view of the above circumstances, the Judges think that it would be almost impracticable, in the present state of business in the Court, to prepare decrees for the press within a shorter average period than that attained in January.

10. With regard to the time occupied in furnishing copies of decrees to parties, the Judges find that out of twenty-five applications made in January last, seventeen were complied with, on an average, in *three days*. The remaining copies, in consequence of their having been detained in the press, could not be delivered in less than fourteen days on the average.

11. The Judges thus find that no delay occurs in preparing the decrees of the Court for delivery to the parties; and they also remark that, in the event of any appeal being made to Her Majesty in Council, due allowance is always made, in reckoning the period of appealing, for any time which may be occupied by the Court in furnishing the Appellant with copy of the decree with which he is dissatisfied.

Proceedings of the Madras Government, Revenue Department,
14th March 1861.

No. 273.

ORDER THEREON, 14th March 1861, No. 603.

The Government are glad to observe that the two cases of delay in delivering decrees, noted in paragraph 2 of their Order of February 27th, were exceptional. They admit the force of what is said in this letter as to increase of business, and unavoidable causes of delay in certain cases; and they do not doubt that the Judges will endeavour to prevent all unnecessary delay.

(Signed) J. D. BOURDILLON,
Secretary to Government.

25th Jany 1861 — Nos 350-351
" Feb — Nos 51-52
27th Feb — Nos 400-401

H.

Revenue
Civil 1861 Depart.
Proc. of Govt for March.
No. 588.

From
The Registrar of the
Sudder Court.

To The Secretary to Government
Revenue Department

Dated 4th
Rec'd 5th March 1861.

No. 603. 14th March

No. 28.

Reporting that the Judges, upon enquiry, find that no delay occurs in the preparation of the Court's decrees.—

With an Order.

No. 272 & 273.

No. 603

The Court are glad to observe that the two cases of delay in delivering decrees, noted in No. 2 of their order of Feb'y 27th, were exceptionals. They admit the force of what is said in this letter as to increase of business, and unavoidable causes of delay in certain cases; and they donot doubt that the Judges will endeavour to prevent all unnecessary delay.—

W. M.

Colvile
14th March 1861

3. Copies to the Sudan Adalut Circ. 15

Recd 8th March 1861