Seal துறை

குறிப்பிட்டவர் பொறுப்பிலிருக்கும் பதிவுக் கட்டினின்றும் எடுக்கப்பட்ட தாள்.

அச்சு / பல்வகை / வாலாயம் — எண் 3-6 — தேதி 7-4-1857

எடுத்த தேதி.	எதன் பொருட்டு			தாள் எடுக்கும் எழுத்தர் அல்லது சிற்றெழுத்தர் கருக்கொப்பம்.	திருப்பிக் கொடுத்த தேதி.	சிற்றெழுத்தரின் கருக்கொப்பம்.
	துறை. (2)	நடப்பு எண். (3)	ஆண்டு. (4)	(5)	(6)	(7)
1876						
145-146						
23 IV 1876						
5-8 2004	R 17					

GCP—201-1 [P3-1]

M.R.O. 14—5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 381. 381A — Press ~~Mis.~~

3—6

Dated 7—4—1857.

Not to be folded or roughly handled

Read the following Papers.

No. 3. From J. D. SIM, Esq., Acting Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, dated 22nd December 1856, No. 4406.

SIR,

I am directed to acknowledge the receipt of Extract Minutes of Consultation 8th December 1855, No. 922, Judicial Department, desiring that information may be obtained from the several Collectors on the character and working of the Courts of Village Moonsiff in their respective Districts. The several Collectors were accordingly addressed by Circular, and their replies are herewith submitted.

From Ganjam 3rd	in	Cons.	14th April	1856
From Vizagapatam ..3rd	in	„	12th June	1856
From Rajahmundry..17th	in	„	26th „	1856
From Masulipatam .22nd Septr.	in	„	20th Decr	1856
From Guntoor.....23rd	in	„	29th Feby.	1856
From Nellore.....25th April	in	„	9th July	1856
From Cuddapah.....11th April	in	„	4th July	1856
From Bellary ..... 8th May	in	„	2nd June	1856
From do .....13th May	in	„	21st July	1856
From Kurnool..... 11th April	in	„	18th June	1856
From Chingleput....13th	in	„	18th March	1856
From North Arcot...29th Novr.	in	„	4th Decr.	1856
From South Arcot...10th	in	„	19th Jany.	1856
From Tanjore.... 23rd	in	„	30th Jany.	1856
From Trichinepoly.17th	in	„	22nd Jany.	1856
From Madura.....19th	in	„	28th Jany.	1856
From Tinnevelly...12th	in	„	21st July	1856
From Coimbatore..27th May	in	„	4th June	1856
From Salem.....16th	in	„	24th Octr.	1856
From Canara .....29th Feby.	in	„	7th March	1856
From Malabar ....12th Sept.	in	„	21st Octr.	1856

2. It is only during the last few years that particular attention has been given by the controlling local authorities to this class of Tribunals in the Northern Circars.* In Ganjam the Acting Collector and Agent, Mr. Knox has been recently instructing the Village Moonsiffs as to the duties required of them, and the return of cases for 1855 together with January 1856 exhibits 57 cases, of which 30 were decided on their merits. This is a mere beginning. It is clear however that this class of Officers are not altogether inactive in this District; they settle disputes, Mr. Knox states (para. 5), "as members of the village or caste Punchayets;" and it is probable, the Board think, that where the incumbents carry personal weight, they are required by the village community to act in their individual capacity as is generally the case elsewhere. In Vizagapatam in the plains where the members of villages cannot adjust their differences among themselves, they resort to the District Moonsiffs. "An immense amount" Mr. Smollett, the Collector and Agent observes, "of petty litigation in the Moonsiffs' Courts is settled by arbitration and withdrawal. Much of this arbitration is conducted by the Moonsiffs and Village Officers." Mr. Smollett adds, "in this District no cases are regularly tried and decided by the Moonsiffs, nor do the people shew any apparent desire to submit to their jurisdiction except when offered in the way of mediation." In the Hill Zemindaries petty Civil disputes in villages are mostly adjusted by the Zemindars or their Dewâns. In Rajahmundry the returns of cases instituted before the Village Moonsiffs are exhibited in the Collector's letter for 3 years, viz., 1852, 1853 and 1854. The average number instituted is 294, the average adjustments annually are 88 on their merits, 111 by Rajeenamahs, and 117 dismissed. The cases are confined almost entirely, the Collector states, to the larger towns. In like manner Regulation IV of 1816 is in operation only in the principal towns of Masulipatam. Of 323 cases settled by Village Moonsiffs in that District during 1855, 288 cases appertain to the large towns of Bunder, Ellore, Bezoara and Condapillay. The Acting Collector of Masulipatam shews (para. 3) that the number of Suits below 10 Rupees disposed of by District Moonsiffs during the same period was 415, and he considers the larger number of cases before the last mentioned tribunals as indicative "of the low estimation in which persons holding the Office of Village Moonsiff are held by the people." From the returns presented by the Acting Collector, the Board would not draw this inference. Those returns shew that the Regulation is chiefly in operation in four towns only, and that though thus restricted in its action as to area, the cases disposed of within those limits do not very materially fall short of those settled by District Moonsiffs for the whole District. The quality of the adjustments by the two tribunals must also be borne in mind. If, as observed by Government, settlement by mediation is beneficial, it will appear that the Village tribunals in Masulipatam exercise a more healthy action in this respect than the Courts of the District Moonsiffs; for out of 323 cases in the former, 183 were settled by Rajeenamahs, while in the latter, 40 cases only out of 415 were adjusted in that way. In Guntoor,

* Ganjam, Vizagapatam Rajahmundry, Masulipatam Guntoor,

Note. It is not clear whether the Village or the District Moonsiffs' Courts are intended, but probably the former. If the latter, it gives a peculiar aspect of interest to the working of the District Moonsiff's' Courts under the Agency.

Extract Minutes Consultation under reply, para. 4, towards the end.

through the exertions of the late Collector, Mr. Stokes, by means of an allowance of 12 Rupees deducted from the Moonsiff's Puttah sist, and the distribution, at a trifling cost to the parties, of a manual of instructions regarding the criminal and civil duties required, the powers of the District Moonsiff have been more fully exercised than in the other Circars. In the year 1855, the number of cases disposed of was 231 on the criminal side, and 759 in 1854, on the civil. Of the latter, 437 cases were adjusted on Rajeenamahs. The number of civil cases instituted in 1852, was 1,293, and in 1853, it was 1,027. The falling off in 1854, is supposed to be owing to the great scarcity of the season.

Note. The civil returns for 1855, are not stated by the Acting Collector.

	No of Cases.
Rajeenamah without decree. ..	346
Decreed on the Defendant's Rajeenamah. ..	91
	437

3. With the exception of portions of Rajahmundry and to some extent of Guntoor, the Village Moonsiffs receive but little or no remuneration. Even on the present scanty footing of the Office as to emoluments, a very considerable amount of work is performed by the incumbents generally, though a small portion only of it appears in the official returns. "The Office itself," the Acting Collector of Guntoor observes, "seems to be held in respect by the natives, especially where the incumbents are men of respectability and substance. In other instances again where the Office has hereditarily passed to less influential or wealthy persons, it has not perhaps held the same position, the hereditary tenure thus operating as a check to securing more efficient individuals." The importance of the office is shewn by the large amount of adjustments effected by mediation in the Courts in Vizagapatam. Both the Collector of Rajahmundry and the Acting Collector of Guntoor mention the aid derived by the Village Moonsiffs from the advice and influence of the Curnums; and though this influence is apparent in many instances, there are cases where the Moonsiff acts independently. The Collector of Rajahmundry mentions instances of the latter description and adds, "I have reason to believe that where the Moonsiffs are tolerably intelligent and respected in the village, they do exert beneficially the influence which they undoubtedly possess in inducing parties to settle their disputes amicably, instead of carrying them before the Courts."

4. The great desiderata for an efficient discharge of the duties of Village Moonsiff in the estimation of the authorities generally in the Circars are liberal allowances and improved educational attainments. Education is making marked progress, and will speedily remove present defects; meanwhile it is seen that there are many who are capable of discharging their duties efficiently, and there is no doubt that the number will be increased by attention to the subject on the part of Collectors and by the distribution of a manual of instructions, as pursued by Mr. Stokes in Guntoor, and as is in progress of accomplishment in Rajahmundry by Mr. Purvis, the Collector of that District. Hereditary succession to this office is considered by some of the Collectors in the Circars as a barrier to efficiency; but this impediment, the Board are of opinion, will gradually cease, as a knowledge of what is required from village Officers is generally diffused and by the selection of competent persons to fill the post of Head of the Village and Village Moonsiff, when the party next to succeed in the hereditary line is unfit. It should, they think, be borne in mind that personal influence is found to outweigh hereditary descent in claims to authority in the village, and the Regulation requires that where there is more than one head man under whatever designation, that person shall be selected as village head, under whose authority the village servants act. It is not likely therefore that, with increased attention to the instruction of the individuals themselves as to their duties, and to suitable selections to office, family claims will operate with inconvenience.

Note. Simple translations of the Regulations into the Vernacular are in course of being printed to be furnished to the Village Officers in all the Districts.

Regulations IV of 1816, Section III.

Nellore. 5. Little is said of the actual work performed by heads of villages in the reply of the Collector of Nellore, though probably their mediation is exercised, as elsewhere, with advantage to the village community. The remuneration, attached to the office, is small and is in land. It is shared by the other head inhabitants, which reduces the emoluments which should be otherwise enjoyed by the actual incumbents. Viewed in the mass the qualifications of the Moonsiffs are considered defective, but the Collector says that "there are not wanting individuals who are raised above the rest in intelligence, and who sometimes exercise a very beneficial influence upon their fellow villagers."

Fort St. George, Judicial Consultation, 7th April 1857.

Bellary. Cuddapah. Karnool. 6. The working of the village tribunals in its main features in Bellary and Cuddapah is very similar to what has been already described above. The Collector of Bellary states (para. 5) that "there are no doubt many money disputes between Ryot and Ryot, and also between Merchant and Ryot, settled by the intervention of the Village Moonsiff, and by Punchayet, but that the establishment of the District Moonsiff's Courts has drawn many such suits, which would otherwise have been disposed of in this way, to the District Courts," which, it is added, "are come to be looked upon as the proper tribunals for adjusting all suits for money." The average number of suits below 10 Rupees, properly adjudicable by the Village Moonsiffs but brought into the Courts of the District Moonsiffs in Bellary is 777, of which 55 belong to the town of Bellary. It is rarely that more than 1 or 2 cases come from the same village, and as there are 2,758 villages in the District, not including hamlets, it is to be inferred that there is either no litigation in about 2,000 villages, more than $\frac{2}{3}$ds of the District, or that it passes through the hands of the Village Moonsiffs. Mr. Pelly seems to infer (para. 11) that as the tendency of the District Moonsiffs' Courts is to draw away suits from the village tribunals, there is little for the latter to do; but this view, except as it regards those localities where suits are thus brought before the District Moonsiffs, is inconsistent with Mr. Pelly's remarks in para. 5 of his letter, already noticed, and with the fact that the litigation below 10 Rupees of about $\frac{2}{3}$ds of the District does not appear on the returns of the District Moonsiff's Courts. Excepting suits for money, disputes generally, it is stated, (para 5) are brought with much benefit to all concerned, to the Village Moonsiffs for settlement or are referred to the arbitration of parties, or are adjusted by the constituted Revenue authorities. "For a Ryot" Mr. Pelly observes, "to carry his disputes (unless it be for debt) to the Civil Courts is a very rare occurrence in Bellary."

Dread of responsibility to the Courts is stated (para. 6) to be one cause in Bellary, of the absence of formal adjudication as required by the Regulation.

† These are in lands and fees, chiefly the former.

The emoluments† attached to the office in both Bellary and Cuddapah though unequal, is on the whole liberal, but are lost in a great measure to the incumbents in consequence of their being shared by others. In both Districts hereditary tenure is considered a barrier to efficiency. The ability to read and write, not only in the Ceded Districts but in the Circars and in Nellore, is confined to a comparatively small number of the Village Moonsiffs. This deficiency creates a dependence on the village Curnum when reading and writing are required, but does not affect the position and authority of the heads of villages in other respects. They are not wanting in intelligence and in those qualities which impart to them influence over others. Many of them, the Collector of Cuddapah observes, are wealthy and deal largely in grain, &c.

From Collector of Cuddapah para. 4.

7. With a subsequent letter, dated 13th May 1856, No. 54, Mr. Pelly forwards copies of letters of former Collectors of Bellary bearing on the present question. One of these, Mr. Campbell, an Officer of much experience, considered the Law defective in allowing District Moonsiffs to take up suits properly adjudicable in the first instance by Village Moonsiffs, except as appeals. He regarded the decisions of village Heads as more just than those of District Moonsiffs, and that Plaintiffs resorted to the Courts of the latter only as more harrassing to those against whom they had claims, or as more likely to admit exorbitant charges or fraudulent accounts than the former. Copy of Mr. Chaplin's letter in 1818 to the Commissioners for the revision of the Judicial system is also forwarded by Mr. Pelly; but that paper does not call for remark further than the passing observation that there is a general correspondence in sentiment in regard to the office of Village Moonsiff between Mr. Chaplin and succeeding Collectors. This office, Mr. Chaplin thought, could not retain much vitality in the presence of a District Court presided over by a well paid Stipendary Officer. The reply of the Officiating Agent in Kurnool does not call for remark.

In Consultation, 21st July 1856.

8. In the Southern Districts the most remarkable feature is the constitution of the office in certain large towns, which will be more fully noticed in the course of this review; in other respects much that has been already said will be found to apply to those Districts also. The heads of Villages in Salem are stated possess on the whole a fair measure of intelligence, and the Office is respected. In the two Balaghaut Talooks they are more

Chingleput. Salem. North Arcot. South Arcot. Tanjore. Trichinopoly. Madura.

Tinnevelly. Coimbatore.

wealthy than in other parts of the District, and a larger proportion of them in those two Talooks are able to read and write. Generally they are independent of the Curnum; but the Curnums of the 2 Balaghaut Talooks as well as those of the Baramahl, from the power they possessed under the Native Governments, are stated to have much influence over the Ryots. Mr. Brett, the Collector of Salem, notices the effects of hereditary tenure. It is usually allowed in that District, though the claimant may be unable to read or write. The local influence possessed by the individual is viewed as primarily important. "It would be bad policy," Mr. Brett observes (para. 8) "to set aside, as of no moment, the qualification which property, social position and official authority confer, though it seems that the time is at hand when another kind of fitness may be demanded." In the Zemindary portions of the District it is stated (para. 9) that the Moonsiffs have no official emoluments, as the Revenue duties of the village are confined to a separate class of agents unconnected with the village; notwithstanding this disadvantage, the office is held in estimation and is claimed as hereditary when vacancies occur. The office is valued irrespective of the salary attached to it, and Mr. Brett does not consider that a mere augmentation of emoluments, other things remaining the same, would secure a higher degree of efficiency. The Collector of North Arcot states that the office is an object of competition, but considers that education is necessary to make the incumbents efficient. The Regulation under consideration is in operation in four towns only of South Arcot, viz., Cuddalore, Chellumbrum, Villapooram and Chengee, but chiefly in Cuddalore where the number of suits in 1853 and 1854 was 327 and 368 respectively. Mr. Hall, the Collector, does not speak favorably of the qualifications of the Village Moonsiffs in general, and seems to think that the office is chiefly desired on account of the consequence which Police authority confers. In Tanjore the persons holding this office are a substantial class, but inactive, so far as regards formal investigation as required by the Regulation, in consequence, Mr. Forbes, the Collector observes, of their time being fully occupied otherwise and of their remuneration being small. The want of a writer to keep the file and of peons to serve Processes is also consdered as causing inactivity. The towns of Tanjore, Combaconum and Negapatam are however exceptions to the above description. In the two first mentioned towns there is a salary of Rs. 40 per mensem attached to the office, and the incumbents are men of high respectability and intelligence. These stipends are of recent sanction, and the results have been very satisfactory. In 1855 the number of suits instituted before the Town Moonsiff of Tanjore was 667, of which 617 were disposed of. In Combaconum, notwithstanding the presence of 3 European Judges, a Sudr Ameen and two District Moonsiffs, the Town Moonsiff decided 105 cases out of 666 upon his file. It is thought that both these Moonsiffs would have been more useful had a small Establishment been allowed. The Moonsiff of Negapatam enjoys only the customary allowance, but decided 118 cases in the four months he had held office. The Town Moonsiff of Tanjore was appointed on the urgent application of the people. Out of 1764 suits instituted before Village Moonsiffs in Trichinopoly, 659 appertain to the town of Trichinopoly and 287 to Seringham. The remaining cases belong to certain villages of the Talooks of Conaud, Torriore and Woodiarpoliem. The Moonsiff of Trichinopoly is a salaried Officer, receiving Rupees 40 per mensem. The Moonsiff of Seringham also receives a fixed stipend, viz. Rupees 7 per mensem. Although the advantages to be anticipated from the spread of education are great, Mr. Bird, the Collector of Trichinopoly, would uphold hereditary claims on account of the weight the parties possessing them have in the village. Their mediation, it is stated, is acceptable to the community, and disputes are thus arrested from going to the regular Courts.

From Government, 20th June 1854, No. 720.

The Village Moonsiffs' Courts in Madura, as in the foregoing Districts, are not generally resorted to, owing, Mr. Parker, the Collector states, rather to the supineness and inefficiency of the persons holding office than to any suspicion of their uprightness. In a few instances, it is added, in which the office is held by an active and intelligent man, no indisposition is exhibited to submit cases for his disposal. It appears that the operation of the Regulation is confined to 15 villages with 639 cases during 10 months, of which more than a half or 355 cases belong to the town of Madura, when the Cutwal has held for some years the Moonsiff's sunnud. He gives apparently general satisfaction. The inactivity of the Village Moonsiffs is in some degree ascribed to a dread of responsibility. They are stated to receive aid from the Curnum but are not dependent on his authority. Many disputes, which would otherwise be taken to the Courts,

it is thought are settled by the Village Moonsiffs in concert with the chief inhabitants. It has been customary in Madura of late years to set aside hereditary descent where the Claimant is unable to read; but persons so appointed are too often, it appears, the tools of the Hoozoor and Talook servants. Mr. Parker would recognize family claims to succession with the liberty of setting it aside temporarily, or even permanently, when there is no member of the family, to whom the office can be entrusted. The foregoing remarks apply to the Government Talooks of Madura. In the Zemindary portion of the District the headship of villages is designated the Umbalum Meerassy, and the persons holding it seem to occupy a much inferior position to those in the Government Talooks. The emoluments, which consist of fees in kind, are much subdivided, and a great deal of the time of the public Officers is taken up in investigating the claims of sharers. To such an extent has subdivision and alienation of the emoluments of the office been carried that the Zemindars themselves possess Umbalums and in some instances the Curnum's Meerass. It would be a great benefit to the two Zemindaries, Mr Parker observes, if the Umbalums could be abolished, and the emoluments distributed among a suitable number of selected individuals. Some endeavours have been made to prevent further subdivision, but the evil is stated to be of great magnitude, incapable of correction by ordinary means.

Ramnad and Shevagunga.

The average number of suits decided by the Village Moonsiffs in Tinnevelly during the last 6 years is 400; but, as already noticed in regard to other Districts, the cases are confined to certain villages only. Clever and competent Moonsiffs are respected by the people, and the office is held in high estimation. Succession to it is regulated by the wishes of the village community, who are required to select a person to fill the office on a vacancy occurring, subject to the confirmation of the Collector and Magistrate. The selection does not appear to be necessarily confined to those ordinarily designated heads of the village and enjoying the emoluments as such. The Village Moonsiffs, it is stated, settle many disputes amicably and prevent parties resorting to the Civil Courts or Magistracy, at the same time they are said to be anxious to avoid trouble, and are ignorant of their own power and of the means of enforcing it. Mr. Silver, the Collector of Tinnevelly, traces the inactivity of these village Courts in some degree to their not having power to execute their own decrees and also to the inability of the Curnum to give the Moonsiffs the full assistance required by the Regulations. Both Mr. Silver and Mr. Levinge, the Sub-Collector consider that the independence of the Village Moonsiffs is affected by the authority exercised by the Talook Establishments. The last mentioned Officer considers that "the Metoo Peons should not be allowed to interfere or take the initiative as at present, or consider themselves as independent of the Village Moonsiffs, but should be entirely subordinate to them. They should not be harassed by being unnecessarily called upon for their evidence by Heads of Police." Mr. Levinge is also of opinion that the powers of Village Moonsiffs, as Officers of Police, may be enlarged so as to embrace nuisances and minor offences which do not at present fall under their cognizance. Salary is not considered necessary.

From Collector, para. 5.

From Sub-Collector, paras. 1 and 2.

Sec. X, XXIV. and XXXI. of Reg. IV, 1816.

In Coimbatore many cases are decided which are not officially recorded. The fear of responsibility seems to be generally felt in this District.

9. The constitution of the office as exercised in the large towns of Trichinopoly, Tanjore, Combaconum and Madura is noticed by the Collectors of South Arcot, Tanjore, Trichinopoly and Madura, and the remarks of those Officers call for consideration. The Collector of South Arcot observes "if a charge is in contemplation, I think it is worthy of consideration, whether it would not be a good arrangement to establish another class of Moonsiffs intermediately between the District and the village ones with extended powers, and with a suitable salary attached to their offices, and with a range of several villages combined, placed under their respective jurisdictions." The Collector of Tanjore considers the appointment of intelligent men with suitable salaries in the large towns would be an immense boon to the people. He notices (para. 4) the great desire evinced by the inhabitants in the Government limits of Tanjore for a town Moonsiff which led to the appointment being made, and he recommends that a similar arrangement may be made in 20 other large towns which he enumerates. The Collector of Trichinopoly submits that,

the results gained in that District in the towns of Trichinopoly and Seringham argue strongly in favour of the system. Mr. Bird would place a paid Moonsiff in the Cusbah town of each Talook. The stipend, he observes, need not be large; from Rupees 7 to Rupees 10 per mensem would be ample for that District. The Collector of Madura remarks that "an augmentation of allowances in all villages, so as to render the office worth the acceptance of intelligent persons, would impose a heavy charge on Government. I should be inclined to suggest that particular villages, centrically situated, should be selected, and the jurisdiction of the Moonsiffs of those villages extended over several others as regards civil cases."

Canara. Malabar.

10. Canara and Malabar are the only Districts remaining to be noticed. In the former the office is said to be held in high estimation in some Talooks, but not so in others. All however concur in the opinion that rightly administered it is a great boon to the community. The remarks of the authorities in Malabar are deserving of particular notice. Mr. Clarke, the Acting Collector, submits a table of cases filed and disposed of, from which it appears that about 1,200 suits are annually settled by the Village Moonsiffs of that Province. The Regulation is perhaps more generally in operation throughout this District than elsewhere, though unequally in the several Talooks. The table apparently embraces but a small portion of the work that might come before the village tribunals. Few are acquainted with the course of procedure required to be observed by the Regulation and take any pains to acquire such knowledge. Others complain that the expenses to which they would be put for stationery would absorb much of their salary, while all dislike, and are deterred by, the forms and method "required in the trial of suits." The class of landholders in Malabar from whom the Moonsiffs are chosen, are far superior in intelligence, influence, position and character than in other Districts, and many suits are settled by the Moonsiffs and other influential inhabitants without a formal trial. "Arbitration" it is observed "is much resorted to by natives, and it is only when all means of private adjustment have been exhausted that the Courts of Law are had recourse to by respectable parties; relatives are first applied to, then the village authorities, afterwards perhaps some person of consideration and esteem among the community at large, or some of the public servants of the Courts or Cutcherry, and when all have failed to secure a settlement, then the Police is applied to and, as a last resource, the Court. Mr. Collett, the Sub-Collector, instances the Moonsiff of Condatty in Ernaad, a Mopla, and the Moonsiff of Pany in Valuvanaad, a Nair, as persons who habitually use the powers accorded by the Regulation. He also notices the fact that the individuals in Malabar who are called, or ought to be so, to the office of Village Moonsiff, differ from those in other Districts, inasmuch as the former are men of considerable landed property and exercise jurisdiction over a more extended area. The office, it is stated, is not sufficiently appreciated by the Tahsildars and other native officials. Sometimes a mere volunteer for employment in the Talook Cutcherry is recommended by the Tahsildar to fill it, and generally there is a disposition among the native public servants to treat the Moonsiffs as officials on low pay. Mr. Collett properly deprecates this conduct, and his remarks on the selection and treatment of this important class of public functionaries are deserving of attention. Equally so is what he says, para. 4, regarding what is termed by him their supervision—"We have never required the Adigharries" he says "to make regular returns to us, and to us of course they look more than to the Civil Courts. I found a very marked effect to follow from requiring all Adigharries to send me quarterly returns of the number of suits disposed of and still on their files."

11. From the foregoing review of the sentiments of the Collectors of the different Districts and from their own experience, the Board are led to adopt the following conclusions.

That the office of Village Moonsiff is held in high estimation by the people, and that a considerable amount of litigation is disposed of by persons holding that office, although no record is kept of the work done as required by the Regulation.

That, with some exceptions, there is a general unwillingness to act formally as required by the Regulation, arising partly from the fear of responsibility to the Courts and partly from causes which have operated in depressing the village Courts generally. These are the institution of District Courts with Stipendiary Officers comparatively well paid, and the authority exercised by the Revenue and Police Officers in general. By the former, suits are drawn away from the village tribunals, and by the latter that independence, so essential to healthy action, has been impaired.

Both causes seem to have produced that supineness and inactivity, which some of the local Officers have noticed.

That the vast amount of unrecorded litigation disposed of in every District, and the settlements made under the Regulation by Moonsiffs of large villages and towns, whether a special salary has been given to the parties as in Tanjore, Combaconum and Trichinopoly or otherwise, point to the importance of the office and benefit to the country, its necessity being further shewn by the urgent application of the inhabitants of Tanjore for a village Officer to settle their disputes.

12. Want of adequate remuneration is considered by most Officers as a barrier to the efficiency of the office, but this opinion it will be observed is not universal. Looking to the character and position of influence of many individuals of this class, and to the amount of adjudication effected by them, the Board are not disposed to attach much weight to the view that stipends are essential to the well working of the office. The unwillingness to act in the way required by the Regulation and the depression of the office is, they think, rather to be attributed to the causes mentioned in the preceding para. On the subject of remuneration, they would adopt the view of the Collector of Madura as to the impossibility of the State providing a sufficient salary for every Village Moonsiff throughout the country. At the same time it appears to them very important that the numerous sub-divisions of emoluments should be entirely checked in view to the parties actually in office receiving the full value of the allowance allotted by the State, whether in land or money.

See remarks of Collector of Salem, also of the Sub Collector of Tinnevelly.

13. The suggestion of several Officers in regard to the creation of paid Moonsiffs in large towns has been prominently noticed in the present review. The experiment, as far as tried, has been successful. The powers exercised are simply those of the present Village Moonsiffs; but if the arrangement is to be extended, it is worth consideration whether, under the increased attention paid to the qualifications of Village Moonsiffs and to the present educational progress among all classes, those powers should not be considerably enlarged. The Board believe that this may be done with much advantage. In the selection of individuals to fill the office of Moonsiff in towns, it seems desirable that those circumstances which now impart consequence should not be lost sight of. These are possession of landed property in the neighbourhood and a local status in the Talook.

14. An unqualified adherence to hereditary claims, it is seen, is opposed to efficiency; but these, when combined with competency, may, the Board think, be admitted with advantage.

15. With reference to para. 4 of Extract Minutes of Consultation, 8th December 1855, No. 922, under reply, the Board are of opinion that perseverance in the present exertions of making the Village Moonsiffs better acquainted with their duties will secure a more general and efficient discharge of what is required. But if fear of responsibility to the Courts is really operative to the extent stated, and the Board have already stated that they are of opinion that it is so, efficiency will not probably be fully attained till something is done to remove that fear. The authorities in Malabar seem to think that the returns of work performed by the village tribunals should be made to the Collector of the District, to whom the Moonsiffs look generally. It is not clear whether the returns are to be made to the Courts also. A double return is of doubtful benefit so far as respects the source of the evil complained of: it may however be considered whether the returns may not be made to the Collector alone experimentally for two or three years. The Board by no means think that the liability of Village Moonsiffs to prosecution for corruption, or oppressive and unwarrantable acts, declared by Section XXXV of the Regulation, can be in any degree relaxed.

16. It only remains to notice the opinion expressed by some Officers that the Village Moonsiffs cannot efficiently discharge their duties, unless provided with an office establishment. The Board do not think that such an establishment is necessary in ordinary cases, the provision made by the Regulation being sufficient; but in the case of Town Moonsiffs, with enlarged powers, ministerial aid will, they are of opinion, be necessary.

Sections X, XXIV and XXXI, Regulation IV of 1816.

17. A statement of the number of Village Moonsiffs, in each District is appended.

Districts.	Village Moonsiffs in Government Villages.	Village Moonsiffs in Zemindaries, Shrotriems, Mootahs, &c.	Total.
1 Ganjam	728	The No. of Village Moonsiffs in these Talooks cannot be ascertained from the Collector's Records.	728
2 Vizagapatam	329	2,782	3,111
3 Rajahmundry	768	334	1,102
4 Masulipatam	560	622	1,182
5 Guntoor	739	,,	739
6 Nellore	723	1,117	1,840
7 Cuddapah	1,756	240	1,996
8 Bellary	2,238	235	2,473
9 Kurnool	No Village Moonsiffs.		
10 Chingleput	1,650	540	2,190
11 North Arcot	2,307	1,398	3,705
12 South Arcot	3,079	87	3,166
13 Tanjore	2,926	86	3,012
14 Trichinopoly	1,200	378	1,578
15 Madura	765	2,811	3,576
16 Tinnevelly	633	68	701
17 Coimbatore	1,382	51	1,433
18 Salem	1,987	732	2,719
19 Canara	1,597	None	1,597
20 Malabar	434	,,	434
21 Madras	No Village Moonsiffs.		

Revenue Board Office,
Fort St. George, 22nd December 1856.

(Signed) J. D. SIM,
Acting Secretary.

From W. KNOX, Esq., Acting Collector of Ganjam; to G. S. FORBES, Esq., Acting Secretary to the Board of Revenue, dated Chetterpore, 3rd April 1856, No. 65.

SIR,

No. 105, dated 14th March 1856. With reference to your Circular, under date the 18th December last, No. 3400, I have the honor to forward a copy of my letter to the Court of Sudr Udalut, on the subject of the working of the system of Village Moonsiffs in this District.

2. The remuneration which many of the Village Moonsiffs enjoy, is not at all adequate to their duties, if they be compelled to perform them strictly.

3. The effects of hereditary tenure are not favorable, inefficient persons are often put in merely because their fathers were there before them; under the present system, this is unavoidable. Whether the allowance be in land or money, it should be such as to be an object to intelligent men. On the death of the Village Moonsiff, the Office should, I think, be thrown open to competition, unless his son or other near relation can pass a prescribed examination.

(Signed) W. KNOX,
Acting Collector.

From W. KNOX, Esq., Acting Agent; to G. ELLIS, Esq., Register to the Court of Sudr Udalut, dated 14th March 1856.

SIR,

1st. I have the honor in compliance with the instructions contained in your letter of the 27th Ultimo, to forward a report on the working of the Village Moonsiffs' Courts.

2nd. The first point on which information is required, is the character of these Courts and their value in the eye of the natives. The District is, as you are aware, nearly divided into two classes, Telugu and Oreya, the latter race are very deficient in general information, have no copies

of rules or regulations in their own language, they know little or no Telugu, even Curnams cannot write on paper. Their allowances as village servants are but small, they are not therefore in a position to command respect, either by their intelligence or by the influence of wealth. The Curnum is the man who has all the power and he would be in reality the Village Moonsiff; it cannot therefore be wondered at, that the inhabitants of these parts have no idea of the benefits of the Village Courts; in the south of the District there is a decidedly more intelligent and more wealthy class; but up to this time the system has never been introduced, the Cazees have no knowledge of rule or regulation, and it is only within the last year that they have been stirred up to act in petty Criminal cases.

3rd. From what I know of the District, I should say there was not sufficient reliance placed on the great mass of Village Moonsiffs to make their Courts acceptable, besides, there is a feeling of false pride very prevalent, which renders them averse to bring their complaints before one whom they look on as no better than themselves; sooner than do this, they will undergo the expense of stamp papers and resort to the District Moonsiff's Court, which at all events, is presided over by a man much their superior in knowledge and position.

4th. The number of Zemindars in the District is against the introduction of the system. The Moonsiff is from his position brought more into contact with, and is more dependant on the Zemindar than on the Circar, it is often most difficult to get the commonest returns, because the village authorities are engaged in the Zemindar's business.

5th. The Cazees in this District are, as a general rule, underpaid, I believe, they do not do much in settling disputes, except as members of the village or caste Punchayets, their influence will no doubt increase, as they exercise their authority in Police matters and when the copies of the Regulation applied for, are received, I propose to call up the various Cazees, and select the most intelligent and trustworthy, keep some for instruction at Hoozoor, and send others to the Assistant's and District Moonsiff's Courts, supplying them with a few simple rules of procedure and evidence, and teaching them how to conduct a suit, and then grant them a sunnud authorizing them to hold Court; were this done, and the people accustomed to the working of these Village Courts, other Cazees would seek the same official dignity and consequence, and the system would become general; I think too, that for the first few years it will be well to have periodical examinations before the District Moonsiffs and the Agent and Assistants when out on Jummabundy.

6th. I fear however that it will be long before the apathy of the people generally can be overcome, until there is a revision of the payments made to Village Officers; I think too, it would be well to order that some allowance should be made for saderward, or that at all events, a register should be supplied from this Court to each Moonsiff, as well as a small quantity of paper, as the want of writing materials has been urged as an objection; since I have been endeavoring to introduce the system, with how little success will be seen by the solitary return at foot, the late District Moonsiff at Berhampore took much pains to instruct the Moonsiffs of the villages of Baupoorum and Goosanee Nowgam.

	Total number of suits disposed of.	Disposed of on merits.	Average number of suits disposed of per mensem.
In the year 1855, and in the month of January 1856.	 57	... 30	... 5

(Signed) W. KNOX,
Acting Agent.

(True Copy.)

(Signed) W. KNOX,
Acting Collector.

From. P. B. SMOLLETT, Esq., Collector; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated Vizagapatam, 3rd June 1856, No. 94.

SIR,

With reference to Extract from the Board's Proceedings, dated 18th December 1855, giving cover to Extract Minutes Consultation, dated 8th Idem, on the working of the Village Moonsiff's † 8th March 1856. Courts, I have the honor to submit copy of a Report† made for this District

to the Court of Sudr and Foujdaree Udalut, which will supply all the information desired by Government.

(Signed) P. B. SMOLLETT,
Collector.

From P. B. SMOLLETT, Esq., Agent to the Governor; to G. ELLIS, Esq., Register to the Court of Sudr and Foujdaree Udalut, dated 8th March 1856, No. 16.

SIR,

Para. 1. I have the honour to acknowledge the receipt of your letters of the 21st November, 31st December 1855, and 27th February 1856, requiring an early report on the working of the Moonsiff's Courts under my jurisdiction, a call which from various causes, I regret to observe, has remained unanswered till the present time.

2. In reply, I beg to state, that the operations of Moonsiffs under the provisions of Regulation IV of 1816, in this District, are absolutely nothing. This is partly caused by the absence in many instances, of any enams or of any money allowance to Village Moonsiffs, by the disinclination of the people to submit to their authority, and the indifference of the Moonsiffs themselves to act. In the Hill Zemindary tracts of this District, petty civil disputes in villages are mostly adjusted by the Zemindars or their Dewans. In the plains, the people resort in numbers to the District Moonsiffs, when they cannot adjust their differences amongst themselves.

3. An immense amount of petty litigation in the Moonsiff's Courts, is settled by arbitration and withdrawal. Much of this arbitration is conducted by the Moonsiffs and Village Officers. But in this District, no cases are regularly tried and decided by the Moonsiffs, nor do the people show any apparent desire to submit to the jurisdiction, except when offered in the way of mediation.

4. A reference from Government on the subject was made to this Department, through the Board of Revenue, in 1844, replied to by Mr. W. Arbuthnot, on the 8th February of that year. The substance of Mr. Arbuthnot's reply is identical with the sentiments now submitted.

(Signed) P. B. SMOLLETT,
Agent to the Governor.

(True Copy.)

(Signed) P. B. SMOLLETT,
Collector.

From A. PURVIS, Esq., Collector of Rajahmundry; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated Cocanada, 17th June 1856, No. 43.

SIR,

I have the honor to acknowledge the receipt of the Extract from the Proceedings of the Board of Revenue, under date the 18th December last, forwarding Extract from the Minutes of Consultation of the 8th of the same month, and calling for a report on the working of the Courts of the Village Moonsiffs.

2. The statement given below shews the number of Civil Suits pending, instituted, and disposed of by the Village Moonsiffs in this District, during the years 1852-53 and 54. It will be seen that the average number actually decreed annually is 88, and that the value of the property in litigation was between eighteen and nineteen hundred Rupees.

Civil Suits disposed of by the Village Moonsiffs in the District of Rajahmundry, from 1852 to 1854.

Years.	Pending.	Instituted.	Total.	Decreed on merits.	Adjusted by Razenamah.	Dismissed.	Total.	Pending. Under 1 year	Under 2 years	Above 2 years	Total.	Gross value of Suits. Disposed of during the year	Pending at the close of the year.
1852	221	293	514	81	117	112	310	155	45	4	204	1818	1275
1853	204	298	502	81	113	117	311	128	53	10	191	1887	1243
1854	191	291	482	102	104	123	329	116	30	7	153	1913	962
Total.	616	882	1498	264	334	352	950	399	128	21	548	5618	3480
Average.	205	294	499	88	111	117	316	133	43	7	183	1873	1160

3. With few exceptions, the individuals filling the office of Village Moonsiff in this District are illiterate, and have but a very limited knowledge of the duties properly appertaining to the office. Under these circumstances, it is not to be expected that their Courts should be held in much esteem either by the Ryots or Traders. The work done by these Officers in their judicial capacity, is I believe, confined almost entirely to some of the larger towns, and there is little doubt, but that in many of the suits which are disposed of ostensibly by the Moonsiffs, the latter have been guided by the opinion of the Curnum, though in a few instances, within my knowledge, the Moonsiff is competent to and actually does perform the duty, and I have reason to believe that where the Moonsiffs are tolerably intelligent and respected in the Village, they do exert beneficially the influence which they undoubtedly possess in inducing parties to settle their disputes amicably, instead of carrying them before the Courts.

4. The Village Moonsiffs in the Government Talooks of this District, are, though there are a number of exceptions, on the whole pretty fairly remunerated. They receive a certain sum which is deducted from the aggregate amount of the joint rent of the village. The same is the case in the large estate of Pittapoor. In some of the smaller proprietary estates, the remuneration is very inadequate.

5. It has not been the practice in this District, always to allow the office to descend from father to son. Where the latter is clearly unfitted for the office, it has not been unusual to nominate one of the Pettanadars, of which there are generally one or more in each village, besides the Moonsiff, (remunerated, though commonly on a lower scale, in the same manner,) to the Moonsiffship, and to allow the son to take the Pettanadar's place. During the last year or so, I have insisted on the Moonsiffs newly appointed, making themselves in some degree acquainted with their duties, and have made their permanent nomination to the office contingent on their being able to show, at the Jummabundy of the ensuing year, that they have exerted themselves, to this end.

6. In the Extract from the Proceedings of the 26th February 1855, the Board stated their intention of forwarding copies of Regulations IV, V, and XI of 1816, for distribution among the Village Officers. It is highly desirable that this intention should be carried out as early as possible. I propose causing a short simple manual of the duties which devolve on Village Moonsiffs to be drawn up and printed at the Press lately established in this Office. Every Moonsiff would willingly pay the few annas required for the paper and binding.

(Signed) A. PURVIS,
Collector.

From J. FRASER, Esq., Acting Collector of Masulipatam; to J. D. SIM, Esq., Acting Secretary to the Board of Revenue, dated 22nd September 1856, No. 133.

SIR,

Para: 1. With reference to the Extract from the Board's Proceedings, dated 18th December last, calling for a report as directed by Government on the condition of Village Moonsiffs in this District, as well as of the causes, of their inactivity, I have the honor to state, that the

result of my recent enquiries on the subject, shows that out of the 1525 villages composing this District, Moonsiffs stand appointed to 1230*, leaving 295 villages in which the office is vacant. Of the present incumbents‡, only 289 can write and read, and 351 sign their names, the remainder being quite illiterate. The villages in which no Moonsiffs are appointed, are situated in 14 Talooks, and these are stated to be so petty, that it is difficult to find men, however incompetent they may be, who are willing even to hold the office. Out of the present incumbents, not less than 920 persons hold their office by right of succession in their respective families, and 262 by selection from among the Village agricultural community.

	Number of Villages.	Number of Moonsiffs.
* Number of Moonsiffs, in Government Sary Villages	570	560
Number of Moonsiffs, in Zemindary Sary Villages	350	330
Number of Moonsiffs, in Mokhossa Villages	150	140
Number of Moonsiffs, in Aggraharum Villages	160	152
Total	1,230	1,182

‡ No. 1182.

Suits below 10 Rupees disposed of by the Village Moonsiffs, at the District Moonsiff stations and others.

	District Moonsiffs' Stations.	Decreed on merits.	Dismissed for default.	Razenamah.	Withdrawn by Parties.	Total.
1	Bunder	29	25	80	15	149
2	Ellore	5	30	35	0	70
3	Bezoarah	18	18	68	0	104
	Total	52	73	183	15	323

‡ 1 Bunder.
2 Ellore.
3 Bezoarah.
4 Condapully.

2. The marginal statement will show that the number of cases disposed of by the Village Moonsiffs in this District, during the year 1855, amounted to 323, of these not less than 288 were disposed of by Moonsiffs of four of the principal towns‡ and the remainder 35 in the rest of the District, a result which shows that on the whole the Moonsiffs do absolutely nothing in their Civil capacity.

	Stations.	Decreed on merits.	Dismissed for default.	Withdrawn by Parties.	Razenamahs with or without Decree.	Total.
1	Bunder	147	13	61	6	227
2	Ellore	62	3	40	15	120
3	Bezoarah	17	4	28	19	68
	Total	226	20	129	40	415

3. It will be observed from the marginal statement that the number of cases, in which the value of property is below 10 Rupees, disposed of by the District Moonsiffs, is 415, during the same period.

4. It will hence be seen that the large majority of cases of the latter description, are decided by the District Moonsiffs, and this indicates clearly the low estimation in which persons holding the Office of Village Moonsiffs, are held by the people. The tribunal is not one which is looked up to, nor do the persons who have to discharge such responsible duties, enjoy the confidence of the people. I attribute this state of things to the Moonsiffs being, as a general rule, without any emoluments either in land or fees, and to their low standard of attainments. It cannot be expected that they will work without adequate remuneration; and till this is given to them, no other measure will be of any avail to raise the office to the position it ought to hold in the estimation of the people.

5. I find that the matter of remuneration has been repeatedly reported on by the former Collectors, but nothing has as yet been done to carry this out; and I think it sufficient, on the present occasion, to refer the Board to the correspondence bearing on the subject as noted in the margin†. The question is one of great importance in every point of view, and in none greater than as it affects matters of Police. In these, especially, the want of competent Moonsiffs is much felt.

† From Board, 22nd January 1844. To Board 28th March 1844.

Number of Village Moonsiffs, who are in the receipt of fees.	Fees per year. In land.	In money.	Total.	Average per each per annum.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
521	607 0 0	2,026 0 0	2,633 0 0	5 10 0
			Per month.	0 7 6

6. The marginal statement will show the fees received by the few Village Moonsiffs, who are paid at all, giving an average

of Rupees 5-10 each *per annum*. The sum entered under the head, "In *money*," is stated to have been disbursed to them as batta, out of the fund called the Gramakurch Collections. This has since discontinued.

7. I would recommend that the office of Moonsiff be made such, as to be one sought after by educated* and respectable persons. I would not make the office hereditary, but give the preference to the heir of the last holder, *only* if he were otherwise qualified to hold it.

* By educated, I mean men who can read and write the vernacular fairly, and have a general knowledge of their powers and duties.

8. In conclusion, I have to state, that I find on record, Proceedings of the Board, dated so far back as 25th March 1844, (remaining unanswered) calling for a complete report on the Village Police, in this District, including village watchers. The enquiry then ordered was commenced, but the information required was incomplete for transmission. Subsequently on the * 3rd November 1853, another call was made, but in a different shape. This included the office of Curnum. The requisite information as regards Moonsiffs and Curnums, has been collected, and I hope to forward a report with definite propositions as to the emoluments for both in the course of the coming month.

* From Commissioner N. C. No. 513,

(Signed) J. FRASER,
Acting Collector.

From H. NEWILL, Esq., Acting Collector of Guntoor; to G. S. FORBES, Esq., Acting Secretary to the Board of Revenue, dated 23rd February 1856, No. 20.

SIR,

I have the honor to acknowledge the receipt of the Board's Circular, dated 18th December 1855, No. 3400, accompanying Extract from the Minutes of Consultation, under date the 8th Idem, calling for an opinion as to the condition of the village tribunals in this District, their practical working, the respect in which they are held, the causes of their inactivity and the appropriate remedies.

2. The number of Moonsiffs at the present time is 722, exclusive of some temporary vacancies from death, remaining to be filled up upon examination of the persons. These Officers preside in 813 Government villages, some of the smaller ones being classed together, and leave only a small number in which provision has not hitherto been made.

3. Previous to 1846, these tribunals were comparatively inoperative in respect to the exercise of Criminal jurisdiction, which is thus particularized for the last 10 years.

Years.	Number of persons summoned during the year.	Number of persons acquitted.	Discharged by Rauzeenamah Persons.	Persons punished. Imprisonment	Put in Stocks.	Total.
			3	2	...	2
1846	5	...	110	94	22	116
1847	343	117	310	239	76	315
1848	884	259	299	261	98	359
1849	837	179	152	82	31	113
1850	372	107	255	204	65	269
1851	746	222	165	151	39	190
1852	603	248	197	200	66	266
1853	583	120	187	104	55	159
1854	464	118	334	135	96	231
1855	740	175				

4. A great stimulus was given in fusly 1256, (A. D. 1846-47,) by the allowance of 12 Rupees deduction from each Moonsiff's putta sist as a temporary scale of emolument, and in the following year they were further aided by being furnished at a trifling cost, which they gladly paid themselves with a manual of instructions regarding their Civil and Criminal duties and other useful matters, and such was the impetus then given by what had been accorded, and still more so by the hopes of a more suitable emolument being afterwards provided, that the subsequent opera-

1848..884
1849..837
1855..740

tions although tolerably well sustained, have not come up to the standard of the earlier period.

5. A view of the Civil cases disposed of by the Moonsiffs for the last 10 years, as given in the next statement, shews that in this department of their duties, there has been a progressive improvement, the falling off in the last year being accounted for perhaps by the great scarcity of the season.

Years.	No. of suits decreed on merits.	Decreed on the admission of the Defendant's Razeenamahs &c.,	Razeenamahs without decree.	Dismissed for default.	Dismissed on the application of the parties.	Total.	Instituted.
1845	121	7	148	60	...	336	371
1846	146	20	179	87	...	432	433
1847	204	36	248	93	...	581	579
1848	293	23	290	104	...	710	759
1849	348	27	227	49	...	651	686
1850	362	38	298	61	...	759	744
1851	348	70	350	75	34	877	824
1852	524	89	489	129	67	1298	1293
1853	467	139	369	56	65	1096	1027
1854	268	91	346	29	27	761	759

6. The office itself seems to be held in respect by the natives, especially where the incumbents are men of respectability, and substance. In other instances, again, where the office has hereditarily passed to less influential or wealthy persons, it has not perhaps held the same position, the hereditary tenure thus operating as a check to securing more efficient individuals. It may be worthy of consideration whether, in placing the emoluments of the office on a better footing as is now under contemplation, more discretion should not be vested in the Collectors of removing this barrier to efficiency.

7. Among the present incumbents some instances of intelligent and well qualified persons are to be met with, with many in which the individuals do not come up to a proper standard. The number who can read and write is 144, or about one fifth of the whole. One great obstacle to their progress in education is the want or defective state of the village schools, but some efforts are made to secure the ability to read and write, at least among the succeeding generation of children, and a few days ago I was gratified, on examining the Moonsiffs in the Coorapaud Talook, to find one person who had acquired this within the last 2 or 3 years since his appointment to office.

8. Too much importance cannot, I think, be attached to the improvement of this class of officials, who are the proper representative heads of the mass of the Shudra cultivators, both as regards the welfare of the community generally, and also as a check upon the undue influence which as been usurped by the office of Curnum.

9. One remedy has been suggested above in para: 6, and it remains also to carry out the measure already proposed for the remuneration of the Moonsiffs, and now it is believed, before the Government, before the office can be said to be placed altogether on a satisfactory footing.

(Signed) H. NEWILL,
Acting Collector.

From F. B. ELTON, Esq., Collector of Nellore; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated 25th April 1856, No. 85.

SIR,

With reference to para; 5, of Extract from the Minutes of Consultation, dated 8th December last, communicated with the Board's Proceedings of the 18th Idem, calling for information on the subject of the Village Moonsiffs, I have the honor to state, that these tribunals can hardly be said to be in a state of efficiency in this District, nor have I reason to suppose that they are held in any great respect. I attribute this to the following causes.

1st. The Village Moonsiffs are, with some exceptions, but little elevated either in property, or intelligence; the former attributable to agricultural pursuits in past years, having been so little remunerative; the latter to the want of education, which has not been generally made up by natural acuteness.

2. There are not wanting however individuals amongst the Village Moonsiffs who are raised above the rest by their intelligence, and who sometimes exercise a very beneficial influence upon their fellow villagers, but this is not the case with the generality.

2nd. The absence of any adequate remuneration. In this District the Village Moonsiffs do not enjoy any separate enmoluments for the really important duties required of them by law, beyond the Enams of the Villages, which they usually have to share with the head Caupoos, and which are generally of no great value.

3. It is not to be supposed that an improvement in this respect can alone promote their efficiency, but while we must mainly look to the spread of elementary education, to an improved moral tone, and to the diffusion of general intelligence among the agricultural class, for the raising up of an efficient body of Village Officers, equal to the important functions vested in them by law, adequate remuneration should also be annexed to the office, to stimulate the holders, and render the situation an object of ambition.

4. I do not consider the hereditary tenure of the office, modified by the undoubted right of Government, to appoint the next heir only in the evint of his being a fit person, to be detrimental generally to the efficiency of the class, because though it may interfere with the appointment of a particularly fit person in some instances, this is counterbalanced by the advantage of having one influential family in the village, whom the Ryots are taught to look up to from generation to generation; and from the fact of its being in accordance with the former usages of the country.

5. The office besides has not always been considered strictly hereditary, though I usually regard it so myself, nor is it so much sought after as to induce the next heir always to press his claim to it.

(Signed) F..B. ELTON,
Collector.

From M. MURRAY, Esq., Collector of Cuddapah; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated 11th April 1856, No. 27.

SIR,

Para 1. I have the honor to acknowledge the receipt of the Extract from the Proceedings of the Board of Revenue, under date the 18th December 1855, annexing an Extract from the Minutes of Consultation, dated the 8th Idem, wherein they call upon Collectors generally to report on the adequacy or otherwise of the remuneration of Village Officers, their ability in regard to education and intelligence, and the effects of the heriditary tenure on which the office is held, and on the efficiency of the class, and in reply to state, that throughout the Province of Cuddapah in general, the allowance in land for the support of the office of Village Moonsiffs and Reddies, there being none in ready money, is sufficient (though there are some few exceptions) for the duties they are called upon to perform, provided the whole of the Enam lands entered as their share in the Misulbundy books, were enjoyed by the persons who fill them; this however is unfortunately not the case, as the lands have been divided and subdivided into very small portions according to the number of the family, and each member claims a share by hereditary right. In some cases the Moonsiff's allowance, as entered in the books, is apparently sufficient in accordance with the scale laid down by Colonel Munro, but when narrowly scrutinized, it is found there are undersharers who receive a portion of that allotted to the Moonsiff, which being deducted, leaves him a mere pittance, and should the brothers or undersharers not receive what they consider their hereditary right, jealousy and enmity springs up in a family, which had for years lived together in

Name of the Village.	No. of Reddy in Missul.	Amount of enam enjoyed by them.	No. of parties in ghair Missul.	Amount of enam enjoyed by them.	Total Reddy enam of the Village.
Cosoovarepully.....	5	36 1 12½	111	118 8 9½	155 0 6
Moosalycoontah.....	3	10 5 3¼	37	75 1 1¾	85 6 5

peace and comfort, and when once these evil passions are roused, they are not easily allayed, as the men of Cuddapah particularly, those taking the surname of Reddy, are a bold and independent set of men, not overscrupulous in the means they resort to, in order to obtain their ends, even carrying their rancour as far as bloodshed and murder. In the margin are noted one or two instances, to shew how the enams are subdivided, and I think it will be very advisable to have the whole lands set apart for the support of the Village Moonsiff and Reddies, for the efficient performance of their duties, to be enjoyed by those who actually fill the office, provided it is not in excess of a proposed scale or in villages where the Reddy enams are considerable and enjoyed by a number of sharers, a scale might be drawn out specifying the exact sum considered sufficient for the remuneration of the Reddies and Moonsiffs, and means ought to be taken to secure to them the full allowance set aside for the purpose. Should any sum remain after that considered sufficient for the office holders, the ghair Missuldars or relatives might enjoy it according to their shares as formerly. It would make them more independent and a better class of men might soon he introduced into the situation. A Moonsiff who has a large tract of land to cultivate, and who pays a large sum to Government has not much time to perform the civil duties of his office; he is often one of the most wealthy in the Village, and by it obtains great influence over his fellow villagers. He, as Reddy, can easily make arrangements for collecting the Government revenue and transmit it to the Tahsildar which to him is no difficult task, on account of the influence he possesses; he is at the same time, the creditor of many of the poorer classes, several of whom cultivate his land for "varum." Should any of his dependents bring a civil action agsainst an opposite party, who is not connected with the Moonsiff, a decision is more likely to be in favor of him who is the dependent, than the other party. This is not to be wondered at, as there are no moral or religious principles instilled into them. Individuals in general prefer making their complaints to one totally independent of the village, who will patiently listen to their grievance, and grant them redress.

2. In my opinion, the sub division of village enams is a great hinderance to a better class of men being obtained to fill the office of Moonsiff and Reddies. It is not unfrequent when is discovered that the emolument enjoyed by the head of the village is so small that the remuneration is not adequate to the duty performed, a portion of that enjoyed by the ghair Misuldars is taken and made over to the Misuldar, to make up his allowance to the maximum standard; this in general leads to great discontent amongst those who lose their enam, but it cannot be helped, as there is no other method of proceeding.

3. Many of the lands set aside for the maintenance of village officers, are apparently very large, but on enquiry, it is found that a portion is out of cultivation or unfit for the purpose; so that they do not receive the full benefit of the emolument derived from the land set aside for their remuneration; this is a subject which will require attention and consideration during the time of the new Pymaish.

4. With regard to the abilities of the Village Moonsiffs in respect to education, I regret to say, it is at a very low ebb, not more than 10 per cent. of the whole village Reddies being able to read and write, those who cannot, have been ordered to supply themselves with seals which they affix to the documents written by the Curnums required to be forwarded to the Head of Police or Tahsildar, but they are entirely in the hands of the Curmum, who writes what he pleases, and reads a different version to the Moonsiff or Reddy, who affixes his seal or mark to it. As to intelligence, as far as it goes, there are none of the class, more so than the cultivators of Cuddapah, there are no better agriculturalists and none understand better how to work their land, make their bargains, and carry on the duties of common life, but in education they are sadly behind, and it requires only this to bring out their dormant abilities. Many of them have become rich and deal largely in grain, Indigo, &c., but are quite ignorant of letters, and have been so for such a length of time, they do not seem to have any desire either to learn for themselves or have their children taught. I am very much inclined to believe, the Curnums are the great hinderance to education, as it is for their benefit that ignorance should prevail, and that they act the part of the Jesuit and wish to keep all the affairs of the village in their own hands; until Government make a stir in the matter, and insist that reading and writing be absolutely necessary for the individual who holds the Village Moonsiff or Reddyship, and at the same time give them the means of education. I fear it will be long before it is generally introduced, and its benefit felt.

5. With regard to the hereditary descent of village officers, I think it would be far better to have them partly elective and partly hereditary, as in some cases, the old families have fallen into reduced circumstances from various causes, and have lost the influence they formerly possessed with their fellow villagers, and it appears to me very desirable that those who hold the office of Moonsiff and Reddy should not only be looked up to with respect, but possess the confidence of the villagers; having this, they would in case of an attack by robbers, immediately turn out at his request, and headed by their Moonsiff or Reddy would speedily put to flight the depredators, but where the villagers have not confidence in their chief, they will not render the necessary assistance when called upon. The Head of the village being thus respected, would have it in his power to do much good and decide petty quarrels and disputes, without their being known to the authorities and they might take up Civil suits under 10 Rupees as laid down by regulations, but no one will apply to them, unless they have confidence in them. I would therefore suggest that on the demise of one of the heads of the Villages, his fellow townsmen might be consulted who they preferred to fill the office, giving the preference to the nearest heir, should he be found competent; but if not, the wishes of the villagers ought to be attended to, and the heirs of the deceased upon qualifying themselves might be chosen on the demise of him who who was placed in the Misul, on account of the heirs of the deceased not being qualified.

(Signed) M. MURRAY,
Collector.

From C. PELLY, Esq., Collector of Bellary; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated 8th May 1856, No. 49.

SIR,

Extract Minutes Consultation, No. 922, dated 8th December 1855, Judicial Department.

In reply to the orders of the Board, communicated in Extract from the Proceedings, dated 18th December 1855, I have the honor to supply the information called for by Government, in regard to the working of the Courts of Village Moonsiffs in this District.

2. In Bellary, the Regulation IV. of 1816, which confers on the Village Potail authority to decide Civil Suits, is quite inoperative, as noticed by Government.

See letter of Collector of Bellary, to the Board of Revenue, 3rd June 1823 and 15th March 1844.

Attempts have been made frequently to induce the Village Moonsiffs to be more active in the discharge of this part of their duty; but without effect. In 1823, the Collector, Mr. A. D. Campbell, and again in 1844, Mr. Mellor reported that endeavours had been made to give greater effect to the Regulation.

3. The Village Moonsiffs of Bellary are, for the most part, farmers. Not more than one-eighth of the number are able to read or write, and very few concern themselves with the Regulations. Their general character may therefore be described as illiterate. But as they are aided by the Curnums, who are able enough at their pen, this cannot be deemed an adequate cause for the Moonsiff not acting under the regulation.

4. A preference is manifested by the natives, especially the merchants and money-lenders, towards the Courts of the District Moonsiffs, not only because the Village Moonsiffs are unwilling or incompetent to take cognizance in a legal and formal manner of money suits, but also because the Plaintiffs in those suits, being generally the merchants of the Talook, obtain a final decision of their matter in the District Courts, where they employ their Vakeels to prosecute many suits, it may be, against several debtors, without inconvenience to themselves; and they obtain with greater facility, a decision more favorable to them than they probably would in a village Court. They have also by resorting to the District Court, greater power of harassing their ignorant debtor, and when necessary, make his ruin (as observed by Mr. Campbell), an example to others.

5. The Ryots are content generally to apply to the Village Moonsiffs for the settlement of their disputes, or to refer them to other parties, or to take them before the Tahsildar, or bring them to the Collector, and the decisions passed by the Collector are almost universally accepted as final. For a Ryot to carry his dispute (unless it be for a debt) to the Civil Courts, is a very rare occurrence in Bellary, and numberless petty, and not a few important, disputes, which perhaps in other Districts, would be judicially investigated in the District Moonsiff's or higher Courts, are disposed of by one or other of the authorities acting in their revenue capacity, with much benefit to all

concerned, without any formal procedure. No doubt also, there are many money disputes between ryot and ryot, and also between merchant and ryot, settled by the intervention of the Village Moonsiffs and by Punchayet. But the establishment of the District Moonsiff Courts has drawn many such suits, which otherwise would have been disposed of in this way, to the District Courts, and they have become to be looked upon as the proper tribunals for adjusting all suits for money. The Talook or Collectorate Revenue authorities seldom attempt to settle such matters.

6. There can be no question but that the dread of responsibility to the Courts, and the disinclination to record proceedings for which no special remuneration is given, is another cause why the Village Moonsiffs are inactive in respect to this regulation. They are occupied in their farm and in the collection of the Government revenues, and care little for matters in which they have no personal interest, and exceedingly dislike having to make a record of all their proceedings; the fear of accountability operates much in preventing them from exercising in the manner prescribed by law the authority they are invested with.

7. It is observed that in Trichinopoly and Combaconum, the village Courts are active, and the activity in those Districts is contrasted with the inertness in Bellary and Cuddapah. But whether this difference in favour of the Southern Courts is to be attributed to greater advancement in education, or to the habits and pursuits of those Village Moonsiffs, who have exhibited activity on their operations under the regulation or to any other cause, I am not competent to say.

8. To make the village tribunals of Bellary operative, it would be necessary to have recourse to compulsory measures; to bar the entertainment of any suit cognizable in their Courts from being carried to the District Moonsiff Court without special reasons; and so to compel the Village Moonsiff to dispose of such suits. But in many cases this would probably be disagreeable to both the suitor and the sued, and the rule would be evaded continually by the Plaintiff making his demand for a sum above the limited amount. But still it might be made a rule that the District Moonsiff should receive no suit cognizable by the village Courts unless sufficient reason for so doing could be shown. The Village Moonsiffs might also be allowed to receive fees as an inducement to try suits. But it would still be questionable whether they would really after all act more beneficially in settling matters of this kind, under constraint and legal form, than they do now actually, but not manifestly, by adjusting and settling disputes of all kinds. The compulsory necessity of keeping a record of every transaction is not attended with real benefit in the dispensing of justice, and it may be a question whether it is not better that matters, in which such records are necessary, should at once be carried to Courts, more competant than the village tribunal to make and keep them.

9. The emoluments of the Potails of Bellary have not been revised or improved generally. The emoluments they now enjoy are very unequal. In some villages they are large, but generally they are small. They are comprised of rent free lands and fees in grain. They hold their Merassy by hereditary tenure which may in some respect affect their efficiency as Moonsiffs. Persons dependant on their salaries direct from the Treasury, and removable at will, would probably find it for their interest to dispose of more suits; and as a consequence, would probably create suits also. The estimated value of all the authorized emoluments of the Potails for the 2758 villages of Bellary, is 52,968 Rupees per annum, as follows:

	Acres.	Survey Asst.	Net Asst.
In Land...	...2,04,254	1,01,630	
Uncultivated		27,346	
Remains...		74,346	56,152
The Actual Produce is however estimated to be only...			37,562
Add fees in grain			15,406
Total value of Emoluments...			52,968

which is however subject to a quit-rent of 14,202 Rupees, and the Potails are responsible for Circar Land (appanum) amounting to at present 1,30,666 Rupees.

10. It has always been customary for the several shareholders of the Potail Merassy (if generally competent) to hold the office of Village Moonsiff in turn without preference being given entirely to the fittest man. This custom has its exceptions. But it would be attended with much discontent, if it were made a rule to retain only the best and really most competent sharer. But this measure would remedy one of the causes of apparent inactivity among the Village Moonsiffs of Bellary, viz., incompetency. It is however to be observed that the inactivity noticed is universal, and yet there are several men who as far as ability goes, are quite competent to perform the duty of the Village Moonsiffs Courts.

11. The number of suits under 10 Rupees cognizable by the Village Moonsiff which were filed in the higher Courts, I find by a return received from the Judge, were, in the year 1853, 969 suits, and in 1854, 585 suits, being an average of 777 suits for each year. There are 17 Talooks in the District; so that the average number of suits for a year cognizable by the Village Moonsiffs would be only 45 for each Talook, and as there are 2,758 villages (Mouzas) in the District, the average number of suits filed gives about 1 to each of only 777 villages; leaving nearly 2,000 villages from which no suits have been brought before the Courts, that would have been cognizable by the Village Moonsiffs. And the returns show that of the whole number of suits filed, there are rarely more than one or two from the same village with the exception of the town of Bellary, in which 55 is the average number contained in the 777 suits above noticed. So it would appear by this that there really is but little for the Village Moonsiffs generally to perform, and that the work is really not sufficient to induce them to make themselves acquainted with the legal forms of adminstration under the regulation. And the necessity for the Village Moonsiff to act under the regulation being on the whole so very small, it is natural that parties, who wish to settle their matters in a Court of Law, should generally be referred to the District Courts.

(Signed) C. PELLY,
Collector.

From C. PELLY, Esq., Collector of Bellary; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated 13th May 1856, No. 54.

SIR,

With reference to my letter of 8th Instant, I have the honor to enclose a copy of the letters of former Collectors of Bellary, on the subject of the Village Moonsiffs, viz.

1 from Mr. Collector Chaplin, to the Commissioners for the Revision of the Judicial system, dated 1st June 1818.

1 from Mr. Collector Campbell, to Board of Revenue, dated 1st June 1820.

1 from do. do. to do. ,, 3rd June 1823.

1 from Mr. Collector Mellor, to do., dated 15th March 1844.

(Signed) C. PELLY,
Collector.

From W. CHAPLIN, Esq., Collector, Anantapoor; to the Commissioners for the Revision of the Judicial system, dated 1st June 1818.

GENTLEMEN,

1. As the expectations which must have been formed regarding the probable beneficial effects that would be derived from the general operation of the Village Moonsiff Regulation, in facilitating the adjustment of petty suits, have not yet been to any considerable extent realized, and as that Regulation in fact may be considered to be up to the present moment, nearly a dead letter, I conceive it to be my duty to represent to you what appear to me to be the principal impediments that have prevented the Potails of villages from undertaking the important functions which the regulation assigns to them.

2. I, several months ago, drew up an abstract of the regulation in the shape of a Hookumnamah, which was circulated through all the Districts, and invited the Heads of villages to exer-

cise their Judicial powers, but finding, after a considerable lapse of time, that they still refrained from the proposed duty, it became an object of particular interest with me in the course of my late circuit, to ascertain what were their objections to it. The result of my enquiries leads me to think that the institution of the District Moonsiffs is in a great degree incompatible with that of the *Village* Moonsiffs. The former have a direct interest in drawing as far as they possibly can to their Courts every suit which arises, since they receive fees upon the decision of them, and this very powerful principle of incitement prompts them to use every exertion to concentrate in their own hands the litigation of the country, as well as to discourage litigants from resorting for redress to the village tribunals. On the other hand, the Village Moonsiffs very naturally contrast their situation with that of the District Moonsiffs who have a large salary and fees to remunerate them for their labour, whilst the former derive no emolument whatever for the performance of the duty, they feel themselves too placed in a situation subordinate to the District Moonsiffs between whom and themselves there exists no common tie of association, nor any connection, except what may arise from the necessity of the Village Moonsiffs applying under Section XXX to the District Moonsiffs to assist them in the execution of their decrees, or that of regularly reporting under Section XXXIII, the fines they have levied, and their reasons for imposing them ; this state of dependence upon the District Moonsiff added to the want of any interested motive to stimulate them to the task, renders them quite indifferent, if not averse to the exercise of their judicial powers.

3. The length however of the Regulation and the forms to be observed, constitute the most unsurmountable obstacle to its general operation. Neither the Potail nor the Curnum can carry in mind so many rules as are contained in it, and though they are very plainly expressed, yet their multiplicity is a stumbling block which effectually checks any attempt to comprehend them, the apprehension also of being prosecuted upon unfounded charges of corruption and oppression deters the Village Moonsiffs from undertaking any responsibility. In a word, their fears are awakened by pains and penalties whilst no counteracting motive of interest presents itself as a stimulus to the discharge of the trust intended to be reposed in them.

4. Though few, if any formal decisions have been passed under the Regulation in question, by the Village Moonsiffs, yet it is necessary to state that many petty disputes and bickerings continue according to the immemorial usage of the country to be adjusted through their agency and mediation. The quantity of substantial justice administered in this homely way, does not appear in account, but I have reason to believe that it is still considerable in its amount, and from the general character of shrewdness and honesty which (when unbiassed by particular prejudices of caste or by local partialities) prevails amongst this class of people, I conceive the value of their decisions in these little disputes, which often lead to a " petty war of village vexation," is inestimable.

(Signed) W. CHAPLIN,
Collector.

(True Copy.)

(Signed) C. PELLY,
Collector.

From A. D. CAMPBELL, Esq., Collector of Bellary; to the President and Members of the Board of Revenue, dated 1st June 1820.

GENTLEMEN,

1. I have the honor to acknowledge the receipt of your letter, to my Head Assistant, under date the 13th January last, and to state, that Section III, Regulation IV of 1816, appears to have been conformed to by my predecessors, and has been strictly observed by myself.

2. It would however be improper not to state to your Board, that Regulation IV 1816, was represented by Mr. Chaplin, to the Commissioners for the revision of the Judicial system, in a letter addressed to them on the 1st June 1818, as " nearly a dead letter" in this District, and I regret that two years further experience of it has not produced a different effect.

3. In elucidation of the causes which have produced this unexpected result, I enclose a copy of Mr. Chaplin's letter above mentioned.

4. In addition however, to what is therein contained, I have to observe, that the Ryot in this District seldom sees a coin ; his kists are in general paid by the village merchants, to whom he sells or mortgages such part of his crop as is not reserved for his own consumption. He is in general, the debtor, not the creditor, and in petty suits, the defendant, not the plaintiff. The merchants, on the contrary, who are the monied people of the country, stand in a situation directly the reverse, they endeavour by all means to press a hard bargain with the Ryot, and when once they get him as a debtor on their books, none are more expert than they are at all means of artifice and chicanery, in augmenting the debt ; they are the creditors and plaintiffs in nearly all cases, and notwithstanding Section V, Regulation IV 1816, giving jurisdiction to the Village Moonsiffs to the extent of ten Rupees, yet as Section XI, Regulation VI 1816, gives to the District Moonsiffs Jurisdiction in the same cases, the plaintiff will always make his election of the latter, instead of the former tribunal, he thereby adds to the annoyance of the Ryot, by dragging him to a distance from his crops, and he knows that the expert, wary, and petty-fogging lawyer, educated in the Zillah Court, and suddenly raised to the situation of a provincial Judge, free from all immediate controul or local superintendence, is more likely to be venal, and to overlook an exhorbitant charge, or fraudulent account, than the head of the village, whose education has been very different, whose ideas of justice though not so refined, are more solid, and more consistent with the common notions of the people, and whose decisions and conduct would be the theme of village conversation, and the constant subject, if generally unjust of representation to the Collector, either when he visits the spot, or by the numerous parties constantly resorting to his Cutcherry on revenue business.

5. I beg leave, therefore, through you, to submit to Government, that Section XI, Regulation VI 1816, should be modified ; that District Moonsiffs be declared incompetent to entertain any of the suits specified in Section V, Regulation IV 1816, except in appeal from the Village Moonsiffs. In short, that the District Moonsiffs be declared to possess not concurrent, but appellant jurisdiction in such cases ; and I apprehend this must have been the intention of the framers of these laws.

6. I defer other remarks upon this subject, until I shall have made the circuit of the Talooks, when I propose to address your Board respecting the general state of these Districts.

(Signed) A. D. CAMPBELL,
Collector.

(True Copy.)

(Signed) C. PELLY,
Collector.

From A. D. CAMPBELL, Esq., Collector of Bellary ; to the President and Members of the Board of Revenue, dated 3d June 1823.

GENTLEMEN,

I have had the honor to receive your orders under date the 15th Ultimo.

When Regulation IV 1816, was promulgated, copies of it were lodged with the Curnums of each village, and every endeavour was used by Mr. Chaplin to give it effect ; but for the reason stated in his letter to the Commissioners for the revision of the Judicial system, he reported it in this District to be " a dead letter."

In my letter to your Board of the 1st June 1820, I stated my view of the causes which tended to impede the operation of this law.

Since that period, the Regulation in question has not been modified, further than by depriving the Talook Moonsiffs of their fees, on suits within the jurisdiction of the Village Moonsiffs.

During the present year, I have given to the heads of every village a sunnud of appointment as Village Moonsiff, I have explained to them both in bodies, and separately, and have made the most intelligent of them, explain in my presence to the rest, the general provisions of Regulation IV 1816, I have urged them to exercise the powers thereby vested in them, and constantly refer complainants to them for redress.

But I am sorry to state that, as yet, I have no reason to believe that any operation has been given to this law. Nor do I think that, in Bellary, it will ever be effective, so long as the District Moonsiffs possess concurrent jurisdiction with the Village Moonsiffs. It is the merchant, not the Ryot, who is the creditor, and he will ever prefer the District to the village Court, in order to harrass his ignorant debtor, and make his ruin an example to others.

(Signed) A. D. CAMPBELL,
Collector.

(True Copy.)

(Signed) C. PELLY,
Collector.

From A. MELLOR, Esq., Collector of Bellary; to E. C. LOVELL, Esq., Acting Secretary to the Board of Revenue, dated 15th March 1844.

SIR,

I had the honor to receive your letter of the 22nd January, giving cover to copy of an Extract from the Minutes of Consultation of Government, under date the 31st October last, with an Extract from a letter from the Honorable the Court of Directors, regarding the jurisdiction exercised by Village Moonsiffs.

The Board having called upon me for explanation as to what causes it is attributable that no cases were disposed of by the Village Moonsiffs in this District, I beg to state, that difference of habits, want of inclination, ability and spirit, on the part of the Potails, &c., are the chief causes why the power has not been exercised, as especially, many of them, in fact nearly all, are unable even to read or write their own language.

A communication similar to the one now under reply, has been received from the Sudr Court, through the Civil Judge of Bellary, calling for the information, and I have replied to it, a copy of which reply is herewith submitted, and I shall in due course have the honor to report, the result of the enquiry therein proposed, to be made after the present Jummabundy, for the information of the Board.

(Signed) A. MELLOR,
Collector.

(True Copy.)

(Signed) C. PELLY,
Collector.

From Captain J. G. RUSSELL, Officiating Agent to the Governor of Fort St. George, at Kurnool; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated 11th April 1856, No. 24.

SIR,

Adverting to an Extract from the Proceedings of the Board of Revenue, under date the 18th December last, No. 3400, conveying Extract from the Minutes of Consultation, dated the 8th Idem, No. 922, requiring information in regard to the working of the Courts of Village Moonsiffs, I have the honor to state, that I am unable to give any information on the subject, as no person now holding the office of Reddy in this District is capable of performing the civil duties of that office as Village Moonsiff, and in fact, before or since the Moghulye days, it has never been the practice in this District to employ them as such. They are quite uneducated, and not even willing to improve themselves, if they had the opportunity.

	Government	Shrotriem	Jagheer, &c.	Total
Villages	470	6	9	485
Hamle's	100	5	0	105
	570	11	9	590
Town of Kurnool	1	0	0	1
	571	11	9	591

2. It appears by the marginal statement that the Reddies in 108 villages have no emoluments, either in land or money. Again the Enams allotted in some villages are quite inadequate, whilst those in others are excessive, but even in the latter case, those in actual employ are only shareholders in such Enams.

3. Under these circumstances, the services of competent parties can hardly be expected, as the object of Government appears to be to relieve Courts from enquiring into minor cases, and that it is not possible in this District to find Village Moonsiffs qualified to fill that office, perhaps the object might be attained by the establishment of competent and paid parties established in each Talook, to perform the duties of Village Moonsiffs.

(Signed) J. G. RUSSELL,
Officiating Agent to the Governor.

From C. J. SHUBRICK, Esq., Collector of Chingleput; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated 13th March 1856.

SIR,

1. I have the honor to acknowledge the receipt of Extract from the Board's Proceedings of the 18th December last, communicating for my remarks, Minutes of Consultation, of the 8th Idem, on the present condition of the Village Moonsiff's Courts.

2. I beg to state, that the Village Moonsiffs in this District are probably as well qualified for their duties by education and intelligence, as in most Districts of the Carnatic. Their office is regarded as hereditary only so far as to entitle their heirs to succession, if they are qualified, otherwise the most eligible Merassydar of the village, by extent of landed property, and the influence he bears, is nominated to the office which frequently occasions a certain amount of party-feeling among the different competitors. The office is only sought for the respect it confers on the holder, which necessarily varies with his personal character, and occasionally with the length of time it has been in his family.

3. The great drawback to the efficient working of the institution in the Revenue and Police, as well as Judicial Departments, is the want of interest on the part of the Village Moonsiffs themselves, after their appointment, arising from the absence of any special remuneration for the duties required of them, the grama maniems which ought to have formed their remuneration being looked upon and enjoyed by them as private property in common with the other Merassidars according to their several shares in the village; so that the office, by involving a responsibility without a remuneration, is coveted more as a point of honor or personal exaltation than with any intention of making it useful. Mr. Freese, in a report dated 19th April 1844, submitted at length for the consideration of the Board, various propositions for remunerating the Village Moonsiffs, which do not as yet appear to have been noticed.

(Signed) C. J. SHUBRICK,
Collector.

From C. WHITTINGHAM, Esq., Collector of North Arcot; to J. D. SIM, Esq., Acting Secretary to the Board of Revenue, dated Chittoor, 29th November 1856, No. 283.

SIR,

Para 1. I have the honor to submit the information called for in Extract Minutes of Consultation, dated 8th December 1855, which accompanied Extract Proceedings, Board of Revenue, No. 3400, dated 18th December 1855.

2. The Tahsildars were called upon by me to state their opinion as to the efficiency of the Village Moonsiffs in their several Talooks, and to report the causes which rendered the office inoperative. They have reported general incompetency on the part of the Moonsiffs. In the Talook of Palamanair, the number of Moonsiffs who can neither read nor write, is reported to be 154, out of a total of 251, and the Tahsildar states that of the 97, who can read, 32 only can be considered qualified for the office.

The Chendragherry Tahsildar considers the 205 Moonsiffs in his Talook, as almost all unqualified.

From the southern Talooks, the reports are not quite so bad.

3. The office of Moonsiff is undoubtedly respectable in the eyes of the village community, and, in the event of a vacancy, is an object of competition. But the office is unpaid and the practice is always to nominate one of the Monigars to it. In fact, the offices of Moonsiff and Monigar are usually confounded in Police investigations; this practice was found so inconvenient, as to necessitate the issue of a Circular Order to the Officers of Police, directing them always to designate the Moonsiff by that title.

4. The general want of education in those who preside over them, I consider to be the principal cause of those village tribunals being inoperative. I found on a personal examination of some individuals at the settlement, that they were in general unacquainted with the regulations which prescribe their duties. Without education, all other remedies would be imperative in giving efficiency to this class of public servants. If they were educated, it would be conducive to the efficiency of Moonsiffs to bring them more immediately in contact with the head of the Talook, by dispensing with the services of the Tarufdars. They should be compelled to decide all cases within their jurisdiction, and the people should be taught to look to them for redress in all those petty matters, with which the Tahsildars are at present overwhelmed to the detriment of more important business.

5. The office of Moonsiff is not strictly hereditary in practice, as no emoluments are attached to it; one of the Monigars is appointed, and as in some villages there are 3 or 4 of these, a limited selection is sometimes possible. If the Monigars were educated men, I should consider the present practice calculated to ensure good Village Moonsiffs, and to obviate the evil that the separation of the office of Moonsiff and Monigar would bring on the village community.

6. Copy of a letter on the above subject received from Mr. Sullivan, is herewith forwarded.

(Signed) C. WHITTINGHAM,
Collector.

From A. W. SULLIVAN, Esq., Sub-Collector of North Arcot; to C. WHITTINGHAM, Esq., Collector of North Arcot, Chittoor, dated Vellore, 11th September 1856, No. 162.

SIR,

1. With reference to your letter of the 26th Ultimo, No. 498, calling my attention to the Board's C. O., dated 18th December 1855, No. 3400, I have the honor to state, as regards the sub-division that in general I consider the remuneration allowed to Village Officers as inadequate, that they are as a class remarkably able in regard to education and intelligence.

2. As regards the effect of the hereditary tenure on the efficiency of the class, I am inclined to think, that the advantages and disadvantages are nearly balanced; there is no doubt that the office unremunerated as it may be said to be for *Police* duties, is sought after, and that the hereditary tenure gives it a great value in itself to the holder and commands a great degree of respect amongst the villagers and that all well disposed natives would sooner have their disputes settled in this way than by having recourse to the regular Courts.

3. At the same time, if it be a 'sine qua non' that a village Monigar is to be the Moonsiff, the hereditary tenure may have great disadvantages as 'non sequitur' that because a father is a good Monigar and Moonsiff that his son is so likeweise and to separate the offices is to leave one without remuneration, and is generally attended with ill feeling.

4. It has occurred to me in connection with this question that the remuneration to Village Officers might be determined on a per centage of the revenues, a minimum remuneration being first fixed and that a portion of this should be set apart for Police and a portion for Revenue duties: in cases where the hereditary holder might be found capable of conducting both offices, he should undoubtedly hold it, in cases of the reverse, there would be a fair remuneration to the party conducting Police duties *only* and from the fact of his salary *above share* of *minimum* rate increasing with the revenue he would not be likely to thwart the revenue head of the village.

5. This is merely a crude idea of my own, and no doubt is capable of much modification. I have spoken to several Moonsiffs on the subject and they seemed to think it feasible.

(Signed) A. W. SULLIVAN,
Sub-Collector.

(True Copy.)
(Signed) C. WHITTINGHAM,
Collector.

From Æ. R. McDONELL, Esq., Sub-Collector, in charge of South Arcot. to G. S. FORBES, Esq., Acting Secretary to the Board of Revenue, dated Cuddalore, 10th January 1856, No. 8.

SIR,

1. I have the honor to acknowledge the receipt of Extract from the Board's Proceedings dated 18th December last, No. 3,400, with Extract from the Minutes of Consultation under date 8th Idem, calling for certain information regarding the working of the Courts of Village Moonsiffs, and the estimation in which they are held by the native community.

2. In reply I beg to state that the Court of Sudr Adawlut have already called upon the Magistrate for similar information, and Mr. Hall made a reply, in which he fully entered into all the points connected with the subject.

3. I therefore venture to submit a copy of Mr. Hall's report for the information of the Board of Revenue.

(Signed) Æ. R. McDONELL,
Sub-Collector in charge.

From A. HALL, Esq., Collector of South Arcot; to G. ELLIS, Esq., Register to the Court of Sudder Adawlut, Madras, dated 26th December 1855.

SIR,

I have the honor to acknowledge your letter dated 21st Ultimo, calling for information upon certain points connected with the working of the Village Moonsiffs' Courts, under Regulation IV of 1816.

Query 1*st*.—How the Village Moonsiffs' Courts are generally estimated, and whether there is confidence in them equally on the part of traders and ryots, or whether there is a suspicion of their being favorable to the ryots to a degree, which makes the traders resort to the District Moonsiffs' Courts in preference?

Answer.—In reply to the first question, I beg to state that as far as this District (South Arcot) is concerned, the Courts of the Village Moonsiffs are held in low estimation by all parties, whether traders or ryots, and are not resorted to, so much as they should be, as may be seen by the marginal statement of the number of suits decided by the Village Moonsiffs throughout the District during 1853 and 1854.

Statement.

Divisions.	1853	1854
Cuddalore Moonsiff	327	368
Chellumbrum do	51	101
Vellapooram do	417	346
Chenjee do	16	9
	811	824

There are 3,166 Moonsiffs in the District, but although they have been selected for their offices on account of their being supposed to possess superior attainments and intelligence, they are, generally speaking, illiterate and ignorant men. But few of them ever attempt to dispose of civil suits at all, and many of them are utterly incompetent to do so if they wished. The performance of the civil duties of their offices is regarded by Moonsiffs as quite a secondary matter, their situations being chiefly coveted for the authority and power conferred upon their incumbents by their being vested with Police functions.

I do not however consider that traders are deterred from bringing their suits before these Officers from an apprehension that their feelings are too much enlisted on the side of the ryots, for them to be able to give just decisions.

Query 2nd.—Whether if the heads of villages acted as Village Moonsiffs, their Courts would be readily resorted to?

Answer.—In regard to the second point, I am of opinion, that if all heads of villages were also Moonsiffs, it would not tend to their Courts being more readily resorted to, than they are now, and it seems questionable whether, as the heads of villages are charged with the collection of the revenue, it would be expedient to give them, as a matter of course, the Police authority which the Moonsiffs possess. I am however inclined to think that, upon the whole, it is generally a good arrangement to unite the offices in one person.

Query 3rd.—How the Village Moonsiffs perform their duty, whether they try the cases themselves, or transfer the duty to the Curnums?

Answer.—The few Moonsiffs who do try Civil Suits in this District are, I believe, in the habit of doing so without calling in the aid of the Curnums.

Query 4th.—Whether complaints are often made against them, and appeals preferred on the ground of partiality or corruption, and what inference is to be drawn from such appeals?

Answer.—Complaints are not often, to my knowledge, made on the subject of the partiality or corruption on the part of the Moonsiffs in disposing of Civil Suits, although there seems to me to be a general feeling of distrust in regard to their decisions, and their mode of procedure.

Query 5th.—Is it the practice of Village Moonsiffs without a formal trial, to induce the inhabitants of their Village to settle amicably, matters, which would otherwise be carried before the Courts?

Answer.—I do not think that the Village Moonsiffs often give themselves the trouble to try to settle amicably matters which are likely to be brought before the Courts. Doubtless, the influential man of a village, whether he be the Moregar or the Moonsiff, does occasionally exert himself to adjust such affairs, but I should say that instances of the kind are somewhat rare in this District.

It may be that South Arcot is worse off than some other Districts, for men qualified to fill the offices of Village Moonsiff. Education, may in time effect an improvement in this respect, but at present there is certainly a sad scarcity of competent men to be found in the villages.

If a change is in contemplation, I think it is worthy of consideration whether it would not be a good arrangement to establish another class of Moonsiffs intermediately between the District and the village ones, with extended powers, and with a suitable salary attached to their offices, and with a range of several villages combined, placed under their respective jurisdictions.

It may not perhaps be out of place for me here to mention, that I consider the present number (4) of Talook Moonsiffs as wholly inadequate for the requirements of the District, and that I think that much good would result from an increase being made to them.

(Signed) A. HALL,
Collector.

(True Copy.)

(Signed) Æ. R. McDONELL,
Sub-Collector in charge.

From H. FORBES, Esq., Collector of Tanjore; to G. S. FORBES, Esq., Acting Secretary to the Board of Revenue, dated 23rd January 1856, No. 13.

SIR,

Para. 1.—I have the honor to reply to the Board's Proceedings, of the 18th Ultimo, No. 3400.

2. The Village Moonsiffs in Tanjore, are very generally either themselves land-owners, or, as in Ekbhogum villages, the agents of land-holders, and in either case, are much occupied with the management of their farms, and as they hold the office of Puttahmaniem, in conjunction with that of Moonsiff, the duty of collecting the Government demand is added to their other employments. The Moonsiffs have therefore little time to devote to their civil duties, and the remuneration they recevie for their services is wholly insufficient to stimulate them to unusual exertion. They are paid according to the amount of the revenue of the village to which they are appointed, the highest sum received by any is Rupees 129 a year, and in some villages the annual remuneration is as low as 2½ annas.

3. In addition to the hindrance which their own affairs offer to an active discharge of civil duty, and to the want of the stimulus of a fair remuneration for the performance of public duty, the absence of all aid and assistance is a serious impediment to the Moonsiffs; there is no one in the village whom they can employ to cite a party, to serve a summons, or to call a witness, it is no one's duty to keep their accounts, to regulate their file, to prepare process, or to copy decrees, and unaided and alone, without a goomustah, a peon, or a taliary, engaged in a large farm, and inadequately paid, it is perhaps not very surprising that the Village Moonsiff is inactive.

4. The Government have noticed, that the Moonsiffs have been active in Trichinopoly and Tanjore, but, I believe in the former District, and certainly in the latter, the activity has not been among the Village Moonsiffs properly so called, but has been confined to the town Moonsiffs of Trichinopoly, Combaconum, and Tanjore; these latter are men of high respectability and intelligence, they are paid each 40 Rupees a month, and their Courts are a very great convenience to the people. The Moonsiff of Combaconum was for long inadequately paid, receiving only the usual percentage on the land revenue of Combaconum; attempts, by application to the Sudder Udalut, were made by the Judges at various times to obtain a proper salary, but without effect, and at last, the late Judge, Mr. Scott, addressed the Government direct, and sanction was at once given for the Moonsiff's present pay. Very soon afterwards, I was petitioned by all the inhabitants of the Government limits at Tanjore, and the surrounding villages, to nominate a town Moonsiff, and I succeeded in obtaining the sanction† of Government to the measure, the result has been very satisfactory; in 1855, 667 suits were on the Moonsiff's file, of which 617 were decided, and I have been since petitioned by the inhabitants of Iyempettah, of Nagore, of Negapatam, and of other large towns, to obtain similar facilities for them. Whether just or not, the feeling is general that frequent applications for increase of establishment are not approved by Government, and I have hitherto limited myself to the nomination of a Moonsiff at Negapatam, paid by the annual small precentage on the land revenue of the village, intending to endeavour to obtain for him a fixed salary, should the establishment of his Court prove to be a public convenience, in the four months that he has held office this Moonsiff has decided 118 cases.

† 10th July 1854.

5. I have no doubt whatever that the appointment of intelligent men, fitly remunerated, and with time at their disposal, as Village Moonsiffs in the large towns of Tanjore, would be an immense boon to the people. In Combaconum, there are three European Judges, a Sudr Ameen, and two District Moonsiffs, and yet in 1855, the town Moonsiff decided 105 suits, out of 666 which were upon his file, and I am of opinion that had a small establishment been allowed to them, the Moonsiffs of Combaconum and of Tanjore, would have been even more useful to the public than they have been. No peons are allowed them, no saderwared, and no goomustah, and all that is expended in batta to persons serving process, in stationery, and in writing, is paid from the not very lavish salary of 40 Rupees a month.

6. If it should be the Board's pleasure to recommend, and that of the Government to sanction, an extension of these Moonsiffs' Courts, I would suggest that the salary of the office should be fixed at 35 Rupees a month, with an allowance of 6 Rupees for a goomustah, of the same sum for two peons, and of 3 Rupees for saderwared, so that the whole expense of each Court should be 50 Rupees a month.

7. The following is a list of the places where, in my opinion, these Courts would be advantageously placed.

Iyempettah.
Topetoray, to include Vadarniem.
Aradanghy.
Vellum.
Ortanad.
Negapatam.
Nagore.

Keevalore.
Munnargoody.
Poriar.
Myaverum, including Conaud and Trivundoor.
Cottalum.
Sheally.
Trimulvassel.
Valengaman.
Swamimalay.
Trinagashwarum.
Trivior.
Trivalore.
Moottoopettah.

8. With reference to the last Clause of the Board's Proceedings, I have to inform them that the office of Village Moonsiffs has never been considered hereditary in Tanjore.

(Signed) H. FORBES,
Collector.

From J. BIRD, Esq., Collector of Trichinopoly ; to G. S. FORBES, Esq., Acting Secretary to the Board of Revenue, dated 17th January 1856, No. 8.

SIR,

Para. 1. I have had the honor to receive, on the 11th Instant, your Board's Circular, No. 3400, with Extract from Proceedings, dated the 18th December 1855, and as required thereby, I submit the information called for by Government, relative to the working of the Courts of Village Moonsiffs in this District of Trichinopoly.

2. With the exception of the Town Moonsiff of Trichinopoly itself, and the Moonsiff of Seringham, the Village Officers in the interior of the District, decide but few suits, and these confined to a limited number of villages, in only three Talooks, out of the eight comprising the Province.

Talook.	Village.	Filed during the year 1855.	The number of Suits disposed of in 1855, inclusive of those pending in 1854 and the number filed in 1855.			
			Number Decreed	Razenamah	Struck off the file.	Total.
	Trichinopoly Town Moonsiff	659	239	181	298	718
	Streerungum	287	81	76	118	275
Conaud	12 Moonsiffs for 12 Villages.....	695	403	60	224	687
Torriore	Pootoor	5	5	0	0	5
Wodiar polliam..	9 Moonsiffs for 9 Villages	118	29	44	0	73
		1,764	757	361	640	1,758

3. The marginal statement will put your Board in possession of the divisions where the Moonsiff Courts are found to be in some degree operative.

The total number of suits filed during the past year of 1855, were 1764. Of these, 946 were disposed before the Moonsiffs of Trichinopoly and Seringham. While the remaining 718 suits are distributed over twenty-two villages of three Talooks, namely, twelve in Conaud, one in Torriore and nine in Wodiarpolliam. A proportion lamentably small in comparison with the entire villages of the whole Zillah, numbering as they do no less than 1254.

4. I have ever endeavoured to stimulate the Moonsiffs of the villages to the exercise of their judicial powers and functions, but to little purpose. And I attribute this backwardness partly to educational ignorance and consequent inaptitude for office, partly to indolence and apathy, as well as dislike to enter into formal judicial proceedings.

5. Taken on a general view, I am of opinion, the Village Moonsiff Courts in this District are not more operative on the whole than those of other Provinces. For the reason that the bulk of petty suits exhibited in the annual returns is not decided by the village Officers, but by two regular Stipendiary Moonsiffs or Officers, who receive a fixed monthly salary for the duties they

perform. These functionaries are the Town Moonsiffs of Trichinopoly and of Seringham. The former receiving 40 Rupees, and the latter 7 Rupees per mensem.

6. Here is a stimulus and incentive held out to perform duty, which are wanting in respect of most of the Village Officers of the District. As yet the Moonsiffs of Trichinopoly are allowed no regular remuneration, per se, for the office. Those who do receive emoluments obtain them as the Monegar of the Village, and hence it has always been the practice to nominate to the Moonsiffship some one of the Monegars of every village, and selection made from those who have received some education, and are able to read and write.

7. The favorable results in Trichinopoly so pointedly remarked by Government, in the Minutes of Consultation forwarded, are not obtained, as I have shewn already from the interior of the District, but from the exertions chiefly of two Stipendiary Officers.

I would submit this result as a strong argument in favor of the nomination of more such paid Moonsiffs.

One to be named for, and located at, each Cusbah town of every Talook, where his usefulness would be manifest, and the benefit to the people great, by a speedy and cheap disposal of their trifling suits for debt, or what not. The stipend need not be large; yet adequate, and in proportion to the population of the Cusbah towns.

In this District, from 7 to 10 Rupees per mensem would be ample.

8. It is premature as yet to expect any amount of education or intelligence from the Village Officers in remote parts of the country. We must wait the spread of knowledge before much intellect can be found. But still I would advocate upholding the present hereditary tenure of office, on the ground of such ancestral retention of authority working much good, by giving weight and influence to the Official, who though he may be incapable of formally adjudicating suits, does, by his hereditary authority in the village, act as a mediator between parties, and induces them to come to amicable agreements of their disputes without going to the regular Courts.

Note. Conveyed by Extract from the Proceedings of the Board, No. 234, 5th Februa y 1855.

9. Your Board is aware that by the resolution of the Supreme Government, No. 5273, under date the 11th December 1854, the Moonsiffs of the Dry Talooks are to receive 12 Rupees each per annum on the revision of the assessment being finally carried out and arranged.

(Signed) J. BIRD,
Collector.

From R. D. PARKER, Esq., Collector of Madura; to G. S. FORBES, Esq., Acting Secretary to the Board of Revenue, dated 19th January 1856, No. 15.

SIR,

1. In replying to the Proceedings of the Board of Revenue, dated 18th December 1855, No. 3400, I have so little to add to my answer to nearly similar questions from the Sudder Udalut, that I beg to transmit copy of my letter to that Court, under date the 21st Idem.

2. Madura contains a vast number of villages, and some of them very small. It necessarily follows that the emoluments of many of the Village Moonsiffs are inconsiderable; and also that the persons holding the office are illiterate. An augmentation of those emoluments in all villages, so as to render the office universally worth the acceptance of intelligent persons, would impose a heavy charge on Government. I should be inclined to suggest, that particular villages, centrically situated, should be selected, and the jurisdiction of the Moonsiffs of those villages extended over several others as regards civil cases.

3. I have no doubt that the hereditary nature of the office *does* interfere with its efficiency. I do not know whether the Regulation actually requires it, but practically the office is always given to one of the Natamgars of the village, and serves more to point him out as the Head of the village Police, than a Judge in small causes. Generally the Natamgars are ill-educated. They are improving however, as we have stimulated them to learn something, by refusing to put in the heirs of deceased Natamgars, when they are unable to read, and appointing temporarily non-meerassi-

dars in lieu. I cannot say, however, that I like these non-meerassidars. They are too often the tools of the Cutcherry and Talook servants. It is my opinion, that it will be best to adhere to the hereditary succession as a general principle, leaving the Collectors at liberty to set it aside temporarily, or even permanently, when the Meerassidars present no member competent to the office.

4. These remarks more particularly apply to the Ayn Talooks and the small Pollums.

5. In the large Zemindaries of Shevagunga and Ramnad, the headship of the villages is called the Umbalum Meerassee ; and it is often divided into innumerable shares, which have been treated as ordinary private property, being sold, mortgaged and sub-divided according to the pleasure of the owners. Of course, in such a case, it is vain to discuss the question whether the Village Moonsiff, who is one of the Umblagars, is sufficiently remunerated. The share of the produce (for the Umblagars are generally paid by swatantrums) assigned for the headship of the village, is frittered away by minute subdivision, till it is good for nothing, as an official emolument. A large proportion of the Umblagars are the mere dregs of the people, not only useless, but taking up large portions of the time of the public servants in enquiries into their claims to one-sixteenth or $\frac{1}{4}$-sixteenth of an Umbalum. The decision of one of such claims often involves as much trouble as that of the succession to the Ramnad or Shevagungah Zemindaries ; and sub-divided as the office is, one village may produce half a dozen suits. In some cases, one individual is the Umblagar of a dozen villages. Great would be the benefit to the two Zemindaries if the Umbalums could be entirely abolished, and the income derived from the emoluments distributed among a suitable number of selected heads of villages. Even the Zemindars themselves possess Umbalums as they do in some instances the Curnum Meerass a plain and obvious abuse. I propose to enter upon this subject more fully in my report on a petition for which I am collecting information. I have done all in my power to check the evil, refusing to confirm more Umblagars than existed at the fysul, or to recognize any sales or mortgages subsequent to Regulation VI of 1831 ; but the arrangement was originally so bad, and subdivision allowed to go on so long without check, that the evil has become one of great magnitude, incapable of cure by ordinary means.

(Signed) R. D. PARKER,
Collector.

From R. D. PARKER, Esq., Collector of Madura; to G. ELLIS, Esq., Register to the Court of Sudder Udalut, Madras, dated 21st December 1855, No. 2219.

Sir,

In answer to your letter of the 21st Ultimo, I have the honor to state that the Village Moonsiffs' Courts are not in Madura generally resorted to, a circumstance which I attribute more to the supineness and inefficiency of the Moonsiffs, than to any suspicion of their uprightness. In a few instances in which the office is held by an active, intelligent man, no indisposition is exhibited to submit cases for his disposal.

The enclosed statement exhibits the number of Moonsiffs in Madura, who act and the state of their files. It will be seen that large as is the District, only 15 Moonsiffs have received cases, and that the number decided in the 10 months, to the end of October, is not more than 639, of which 355 are in Cusbah Madura where, as it extends into several villages, the Cutwal has for some years held the Moonsiff's sunnud, and gives, I have reason to think, general satisfaction. I observe him at work from morning till night, and no complaint of partiality has reached my ears.

To the 2nd question, I am disposed to answer in the affirmative. The indisposition or inability of the Moonsiffs to act is, as far as I can learn the reason why the Moonsiffs do not receive cases, they appear to me to dread the responsibility.

3rd Question. The few Moonsiffs who act in Madura are men of intelligence, who though they may obtain aid from the Curnums, do not, I believe, depend upon them entirely.

The 4th question can only be answered by the Civil Courts.

I think that the Village Moonsiffs do frequently in concert with the chief inhabitants, compose differences which would otherwise form the subject of suits in the Civil Courts. By acting in this way, they do not, in their opinion, subject themselves to the same danger of being accused of malpractices before the European tribunals.

(Signed) R. D. PARKER,
Collector.

(True Copy.)
(Signed) R. D. PARKER,
Collector.

From J. SILVER, Esq., Collector ; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated Tinnevelly, 12th July 1856, No. 207.

Sir,

Para 1. With reference to Extract from Proceedings of the Board of Revenue, dated the 18th December last, and para 5 of Extract from Minutes of Consultation, under date the 8th Idem, thereunto annexed, I have the honor to submit the report called for regarding the condition of the Village Moonsiffs in this District.

2. Of the allowances attached to the Village Officers, and of the insufficiency of the same, the late Collector having entered into full particulars in his letters of 10th March and 9th November last, in all of which I concur, it is unnecessary for me to enlarge upon that subject now.

3. The aggregate number of villages in the District, including Poliput, is 2110½ out of which, to 741 villages there are 686 Village Moonsiffs attached. These have been appointed at the selection of the people of the respective villages with their common consent, and approved of by the Magistrate.

4. The office is not considered hereditary in this District, and I do not consider it advisable that it should be so, for it would lead to the recognition of claims of incompetent and inefficient parties.

5. No emoluments whatever are attached to the office of "Village Moonsiff" in this District, occasionally a "Meerassidar" holds the appointment of Moonsiff also, but this is not the rule. Although some are conversant with the Regulations and exercise the power vested in them, it cannot be said that the practical working of that class of village tribunals is good, because suits properly falling under their cognizance are admitted in the Courts of District Moonsiffs, and as the interference of the latter Courts are required for the execution of the Decrees of the Village Moonsiffs, the parties prefer to have their suits filed at once in the District Moonsiffs' Courts.

6. From the reports of the several Tahsildars in the District, it appears that the average number of Civil suits decided by the Village Moonsiffs during the past 6 years is 400 a year, and that they were taken up not by all the Moonsiffs generally, but only by those who were competent and were willing to discharge the duties of their office.

7. Clever and competent Moonsiffs are respected by the people, and their office is held in high esteem. When they have their private business to attend to, they wholly neglect the duties of their office, this is generally in the cultivating and harvesting seasons. To remedy this evil, when Government are pleased to sanction the payment of monthly salaries to this class of Officers, it should then be determined with reference to the extent and local circumstances of each village, that they are to receive so much for attending to Police duties, and so much for deciding civil suits. Besides which, the number of suits to be decided by them should also be fixed, and further it should be ruled that original suits involving value of property to the amount of 10 Rupees, or less, ought to be taken up by the Village Moonsiffs, and not admitted in the District Moonsiffs' Courts, and further the Village Moonsiffs should be empowered to execute all Decrees passed by them, after the expiration of the period allowed for appeal.

8. There is another thing, which in my opinion, appears, to operate against the Village Moonsiffs acting judicially, that is, by the provisions of Regulation IV of Sections X, XXIV, and XXXI. 1816, the Village Curnums are required to attend as Assessors, to write the proceedings of the Village Moonsiffs, to keep registers of suits preferred to the latter, and of all sales by auction, and to prepare two copies of each Decree, and in a word, to assist the Moonsiffs in question in every

thing connected with the discharge of their civil duties; whereas the nature of the other duties imposed on the Curnums is such that they cannot without detriment to other important business required of them, render effectual aid to the Moonsiffs. Even at these periods when the Village Moonsiffs either from want of remuneration for their labors, or through ignorance exercise the civil powers vested in them to a very limited extent only, complaints from District Moonsiffs, at the instance of Village Moonsiffs, have been received through the Civil Judge, stating that the Curnums do not, as required by the Regulations, render their assistance to the Village Moonsiffs. Under these circumstances, and as fixed salaries are proposed to be attached to the office of Moonsiffs, I would suggest that the duties required of the Curnums in this respect be made, in the remodelling of the system, to form part of the functions of the Moonsiffs; and the Curnums who have a multiplicity of other business to attend to, be relieved of the additional labor imposed on them.

9. The Cavilgars should also be allowed monthly pay, and made to obey the orders of the Village Moonsiffs who should be vested with authority to fine the Cavilgars for disobedience of orders.

10. I beg to forward copy of a report from the Sub-Collector on this subject.

(Signed) J. SILVER,
Collector.

———

From V. H. LEVINGE, Esq., Sub-Collector; to J. SILVER, Esq., Collector of Tinnevelly, dated Shermadavy, 25th March 1856.

SIR,

In reply to your letter of 16th January last, calling for a report on the working of the Village Moonsiff system in the 4 Talooks forming the Sub-Division, I have the honor to inform you, that there is no emolument attached to the office in any of the 4 Talooks, that the office is not hereditary, and I do not consider it advisable that it should be so, it would not insure independence, ability, or integrity and the office might descend to a man who was a scamp, a pauper, or one in whom no confidence could be placed; the system in practice in this District is for the villagers, on a vacancy occurring in the office of Moonsiff, to select a man to fill it; if approved by the Magistrate in charge, he is appointed; the office is generally esteemed, and considered honorable, and is decidedly useful, by their influence, they settle many disputes amicably, and prevent parties resorting to the Civil Courts or Magistracy, and it is absolutely necessary that there should be an Officer of the sort in every village to make an immediate report to the Head of Police on the occurrence of any serious crimes, or on the discovery of dead bodies, &c.

2. With regard to the execution of their civil duties, I do not venture to make any remarks, it seems to me that the Civil Courts are the authorities to report on that head, further than to state that the power of convening Punchayets, under Regulation V of 1816, is never employed to my knowledge; in slight disputes concerning the occupancy of land, which come before me, and which I am empowered to refer to a Village Punchayet, the parties always object on the score of partiality or delay, and the Village Moonsiffs themselves are always anxious to avoid the trouble, and are generally ignorant of their own power, or the means of enforcing it. Their ignorance and timidity are not to be wondered at, considering that there is not a Village Moonsiff in the District furnished with a complete copy of the Regulations framed for their guidance, and there is no means of providing them with it at present. On their appointment of late years, they have been furnished with a written abstract of the Regulations for which they pay a small fee to the volunteer who writes it.

3. In 99 out of 100 cases of assault, robbery &c., whether petty or serious, the Moonsiffs report the matter to the Head of Police for his disposal, owing partly to ignorance of their powers, and the timidity induced thereby, and partly owing to the habit of exaggerating offences however trivial; the Moonsiffs fear, that the complaints are beyond their jurisdiction; hence the accounts which they are required to send in monthly of cases decided by them, are mostly blank.

4. To render the office efficient, I consider it should be filled as at present by election, and not be made hereditary; that parties appointed should be supplied with a printed copy of the Regulations framed for their guidance, in which, before being appointed, they should be required to pass an examination; they should be required to know how to read, and write. I would not recommend any salary being attached to the office, but would allow a certain sum according to the size of the village to be called "allowance for Office Establishment," this would be thankfully received; they should be required to keep their record on paper instead of Cadjan leaf as at present; they should be encouraged to exercise the power granted them in punishing in petty cases, instead of referring every thing to the Police Officer.

5. The Mettoo Peons either should not be allowed to interfere, or take the initiative as at present, or consider themselves as independent of the Village Moonsiffs, but should be entirely subordinate to them. They should not be harrassed by being unnecessarily called upon for their evidence by Heads of Police, unless absolutely necessary. Their power might be increased most beneficially, by giving them power to punish parties committing nuisances, digging holes in streets to raise mud walls, for manure pits, encroachments, petty cases of cattle trespass &c. They should be permitted to enforce obedience and attendance to their orders by Cavilgars, by the infliction of slight fines to be levied after being sanctioned by the Head of Police or Magistracy.

(Signed) V. H. LEVINGE,
Sub-Collector.

(True Copy.)

(Signed) J. SILVER,
Collector.

———

From E. B. THOMAS, Esq., Collector of Coimbatore; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated Ootacamund, 27th May 1856, No. 76.

SIR,

1. I have the honor to acknowledge the receipt of Extract from the Board's Proceedings, dated 18th December 1855, No. 3400, conveying Extract Minutes of Consultation, * calling for information as to the Moonsiff Monigars in this District; and in reply, beg to forward a Statement showing the number of Moonsiff Monigars, and their yearly emoluments, &c., on an average.

* dated 8th December 1855.

2. I beg to state for the Board's information, that it appears to me, the inactivity on the part of the above tribunals proceeds mainly from two causes---1stly, In cases where the Monigars are intelligent and possess ability for their duties, they are often in fear of the responsibility to the Courts, and their liability to blame, for informality in conducting their Police and civil duties. 2ndly, some of the Monigars are illiterate, and unable to carry on the duties, and the great want of education and absence of *any* Government Schools in the District, makes it impossible always to appoint educated men.

3. I and my Assistants have spared no pains in endeavouring, during our respective tours into the Talooks, to stimulate the Monigars to activity; and the result is, that the number of cases disposed of by the Village Police, is increasing annually in this District. I trust that an early supply to them of Regulations IV, V and XI of 1816, in the Vernacular language, as applied for in my letter of the 30th April * 1855, may be conceded, which will afford them encouragement and aid in the performance of their duties.

* No. 39.

4. The present salary of a Moonsiff Monigar, is Rupees 16-8-2 * on an average, as shown in the above statement, the maximum rate being Rupees 145, and the minimum Rupees 1-9. In many villages there are more than one Monigar, in such cases the salary is divided equally among them, while the one who is the Moonsiff Monigar has to do both Revenue and Police work. With a view therefore to induce more honesty and also competition for the office in question, I would beg to recommend that a fixed sum of Rupees $3\frac{1}{3}$ may be added to their present salary, so as to raise it to 20 Rupees a year, on an average, the emolument may vary with due reference to the extent of population of the village, and the duties the Monigar has to perform.

* Which is inadequate.

5. As regards the effects of the hereditary tenure of the function, I beg to state, that the tenure, where observed, not only tends to preserve honesty and activity in many instances, from a fear of losing an office held by their forefathers for many years, but also some respect in the village towards such hereditary Monigars, but the tenure is not observed in cases where the heirs of the incumbent are incompetent; on such occasions, others of the village, if available, are se-

lected, upon careful inquiry. There can be little doubt that much is effected by the Village Officials, that is not knowu or recorded officially ; many petty suits, quarrels, offences, are either prevented or punished and checked, of which they make no official record, for fear of making an informal or improper one.

(Signed) E. B. THOMAS,
Collector.

Statement shewing the yearly emolument of the Moonsiff Monigars, on an average in the District of Coimbatore.

Number.	Talooks.	Number of Monigars.	Amount of Salary per annum.			Number of Moonsiff Monigars.	Salary after deducting that of Joint Monigars.			Remarks.
1	Coimbatore.....	185	4438	8	2	151	2758	11	4	Moonsiff Monigars are also performing revenue duties such as collecting kists from the ryots, inspecting cultivation, &c., but receive equal pay as Joint Monigars.
2	Suttemungalum....	160	4162	14	1	141	2303	3	1	
3	Danaickencottah...	135	2141	7	5	127	1706	0	10	
4	Collegall.....	120	1802	8	7	116	1028	14	2	
5	Pullachy.....	209	2737	6	10	130	1511	0	3	
6	Perindory	302	3825	2	5	147	1946	6	5	
7	Andeeyoor.....	85	1994	11	11	61	1209	14	2	
8	Errode.....	122	3409	10	11	62	1508	4	11	
9	Cheyoor.....	186	3077	11	5	105	1746	11	8	
10	Pulladum	224	4883	1	5	89	2019	15	1	
11	Neelgherry	17	526	13	7	6	99	5	11	
12	Darapooorum	122	2902	6	9	41	849	0	10	
13	Kongiem.....	100	2530	3	0	42	945	15	0	
14	Caroor	213	5015	2	4	83	1831	0	3	
15	Checkragherry.....	183	3254	3	3	89	1485	2	5	
	Total...	2363	46,702	0	1	1390	22,949	10	4	
			Average for each				16	8	2	

Ootacamund,
27*th May* 1856.

(Signed) E. B. THOMAS,
Collector.

From H. A. BRETT, Esq., Collector of Salem ; to J. D. SIM, Esq., Acting Secretary to the Board of Revenue, dated 16th October 1856, No. 145.

SIR,

With reference to the Board's Circular, dated the 18th December 1855, No. 3400, forwarding Extract from Minutes of Consultation, dated the 8th December, and calling upon the Collectors to submit their opinion on the condition of the Village Tribunals in their respective Districts ; their working ; the respect in which they are held ; when they are inoperative ; what are the causes of this inactivity, and the appropriate remedies ; whether the Moonsiffs' salaries are adequate ; what their ability is in regard to education and intelligence ; and what effect the hereditary tenure on which the office is held, has on the efficiency of the class ; I have the honor to state, that the Village Moonsiffs in this District differ considerably in regard to intelligence and influence in different Talooks.

2. In the 8 Talaghat Talooks, the authority of the Moonsiffs is, in general, respected, and the Moonsiffs are tolerably intelligent. They are for the most part in good circumstances, though not wealthy, and are not subservient to the village Curnums. Perhaps a fourth part of the entire number are able to read and write. The majority belong to the Vellalar caste. There are some Pullies, and a few Bramins.

3. In the 4 Baramahal Talooks, the Moonsiffs of Tripatoor exercise greater influence, and are more intelligent than the Moonsiffs in the 3 other Talooks. They are possessed of more property, and from the villages being larger in the Tripatoor Talook than in the other 3, the individual salaries are generally higher. This difference in qualifications and influence, may be owing partly to the circumstances now stated ; but it is also open to remark, that the Moonsiffs in the Tripatoor Talook were from the commencement of our rule, superior to the same classes in the 3 Talooks of Darampoory, Tengaricottah, and Kistnaghery. The Moonsiffs in these 3 Talooks, have less influence as a class, and are poorer than the Moonsiffs in any of the other

Fort St. George, Judicial Consultation, 7th April 1857.

Talooks in the District. The Moonsiffs in the Baramahal Division belong chiefly to the Vellalars, the Reddys, and the Pullies. The Vellalars are not of the same sect as the Vellalars in the Talaghat Talooks. Perhaps 25 per cent. can read and write in the Tripatoor Talook, and 15 per cent. in the other 3.

4. The Moonsiffs in the 2 Balaghat Talooks, are more wealthy than the Moonsiffs in the other two Divisions. They are the least dependent on the Curnums, and about half are able to read and write, but their influence over the people is not so great as that of the Curnums. The superior influence of the Curnums in the Baramahal and Balaghat Talooks may be traced to the higher position which the Curnums held in these Talooks, under the native government, as compared with the Potails or Heads of Villages.

5. It is not in my power to compare the extent to which the Moonsiffs in the different Divisions exercise their civil powers, as no returns of suits are sent to the Collector's Office.

6. In regard to the hereditary tenure, and the effect it has on the efficiency of the Moonsiffs as a class, I may remark, that the value of the Moonsiff's office is enhanced when it is held on this tenure. It is further evident that whatever promotes the value of an office is a means of securing efficiency in the person who fills it. In this District, the hereditary right is usually allowed, though the claimant may be unable to read or write. Respect has been paid to the hereditary principle for the sake of the value it gives to the office. It has also been deemed of more importance that the persons who hold the office should possess local influence, than that they should be able to read ; but there is no good reason why a certain time should not now be named, when the qualifications of reading and writing would be considered absolutely essential to any one succeeding to the office of Moonsiff. In that case, the Moonsiffs, after a time, would as seldom fail as the Curnums do at present, to have their children duly instructed.

7. It is owing either to ignorance or to want of local influence, that Moonsiffs find no exercise for their functions. I may observe as to the 1st point, that most of the village Curnums have recently received a printed copy of Regulation IV of 1816, to be preserved, in conformity with Section XXXIX of that Regulation, for the information of the Moonsiffs ; and 2ndly, that the local presses afford a means, no less important than novel, of further instructing the Moonsiffs in their duty. The Zillah Judges can now address the entire class collectively ; and with the aid of printed forms, the Judge may obtain returns of work with far more ease than formerly. The utility of the presses as a means of circulating orders or information to every individual Moonsiff, may be considered a new reason that officers of this class should hereafter be able to read.

8. It is important that the office should be held by those who have most influence with the inhabitants. On this ground, whoever exercises authority in the Revenue Department, is constituted ex-officio (Regulation IV of 1816) the Moonsiff of the village. In the Salem District, the Moonsiffs are furnished with written appointments, and in most instances, the two offices of Monigar and Moonsiff are held by the same person. It would be bad policy to set aside, as of no moment, the qualification which property, social position, and official authority confer, though it seems that the time is at hand, when another kind of fitness may be properly demanded.

9. In the settled portions of the District, the two offices are not combined, because in general, the agents employed in collecting the revenue have no local connection with the villages. On this account the Moonsiffs in those parts have no sort of official emolument, but notwithstanding this disadvantage, the office is held in estimation, and is claimed as hereditary, when vacancies occur.

10. The Moonsiffs' salaries have not been revised in this District. The official salary increases the value of the office, but the office is not esteemed solely for the sake of the salary. It is not probable that any increase in salary would be attended by an immediate increase in the number of suits tried by the Moonsiffs, supposing that no change of persons ensued. The inhabitants will not bring their suits to the Moonsiff's Court, unless they have confidence in his personal efficiency, and such efficiency cannot be secured merely by raising the salary.

11. The number of Village Moonsiffs in this District was reported to the Board, in my letter of the 24th Ultimo, No. 24. It was explained in that letter that the Moonsiffs receive a salary in virtue of their office as Monigars. No emoluments are attached by the State to the Moonsiff's office.

(Signed) H. A. BRETT, *Collector.*

From W. FISHER, Esq., Acting Collector of Canara; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated Mangalore, 29th February 1856, No. 19.

SIR,

With reference to Extract Proceedings of the Board of Revenue, under date the 18th December last, I have now the honor to submit the following remarks on the Village Moonsiffs' Courts of this District.

2. Village Moonsiffs' Courts are not much resorted to in Canara, as no pay is attached to the office, and the holders are often poor, and generally unequal to the duties they are called on to perform. In some Talooks, however, these Courts are said to be held in high estimation, whilst in others, it is stated that the reverse is the case; but all agree, that if the position of the Village Moonsiff was raised, and he was selected on account of his qualifications, and not with reference to hereditary claims, unless combined with fitness for the office, the people would look on the establishment of these Courts as a boon.

3. Remuneration where it exists at all, is merely nominal.

4. About two-thirds of the Village Moonsiffs in this District can read and write, and though hereditary tenure may have had no share in producing this state of things, or in preventing amelioration, it will be necessary in future, with regard to all Village Officers, that hereditary claims shall only give the preference where the candidate is competent to undertake the duties of the office he wishes to obtain.

5. The state of the Village Police in this District, and measures for its improvement are now under consideration, and as the office of Village Moonsiff is generally connected with that of the Potail, it will be fully reported on when arrangements are submitted, as they will be at an early date, for the approval of the Board of Revenue.

6. Ignorance and inefficiency have rendered these Courts in a great measure inoperative, and the office of Village Moonsiff, is held in little consideration or respect, except in particular instances, where the character and position of the holder produces a different result. The remedy seems to be, to attach a marked position to the office, with corresponding remuneration to the Moonsiffs.

(Signed) W. FISHER,
Acting Collector.

From T. CLARKE, Esq., Collector of Malabar; to G. S. FORBES, Esq., Secretary to the Board of Revenue, dated Calicut, 12th September 1856, No. 118.

SIR,

With reference to Board's Circular Proceedings, dated 18th December last, and 27th Ultimo, I have the honor to submit copies of communications received from the Sub-Collector and Head Assistant Collector of Malabar, regarding the condition and practical working of the Village Tribunals in Malabar, and would beg permission to draw attention to the very valuable remarks of Mr. Collett, in regard to the selection, treatment and supervision of the judicial work of the Village Moonsiffs.

No. 3400.
Dated 1st March, and 29th July 1856.

2. From all I have been able to gather, and from the accompanying tables, it will be seen that the Village Courts are almost inoperative.

3. Repeated orders have been issued, calling on the Moonsiffs to exercise their judicial functions, but without avail. The people do not appear to value a jurisdiction of this description, and the Moonsiffs themselves are generally disinclined, and more usually unfitted by education, habits, or want of leisure, for the efficient discharge of their duties. Few are acquainted with the course of procedure required to be observed by the Regulation, and take any pains to acquire such knowledge. Others complain, that the expenses to which they would be put to for stationery would absorb much of their salary, while I believe all dislike, and are deterred by, the forms and method required in the trial of suits.

4. The class of land-holders from whom the Moonsiffs are chosen, are, in this part of the country, far superior in intelligence, influence, position and character, to the Moonsiffs of the Eastern Coast, and I believe that the remarks of the Commissioners of the 15th October 1818, is peculiary applicable to this District, and that many petty suits are settled by the Moonsiffs and other influential inhabitants, without a formal trial when the latter is had recourse to. A Court

presided over by an efficiently taught, and highly trained Officer with regular Vakeels is preferred to the village tribunal, where party factions, family connexions, partiality, prejudice and feelings more often dictate the judgment, than justice or equity. Arbitration is much resorted to by natives, and it is only when all means of private adjustment have been exhausted, that the Courts of Law are had recourse to by respectable parties, relatives are first applied to, then the Village Authorities, afterwards perhaps some person of consideration and esteem among the community at large, or some of the public servants of the Courts or Cutcherry, and when all have failed to secure a settlement then the Police is applied to, and as a last resource, the Court.

5. Were the Village Moonsiff more at leisure and more thoroughly instructed in his duties, I think with the loss of his influence in the amicable adjustment of cases, he would dispose of more cases in a formal and regular manner.

6. Lately pains have been taken to supply Village Moonsiffs with copies of the Regulations under which they act, and at the settlement and other occasions, they have been urged to qualify themselves for the office, and to discharge the duties appertaining to it. Candidates are further examined before being confirmed in the appointments of Moonsiffs.

(Signed) T. CLARKE,
Collector.

P. S. The accompanying letter was signed by Mr. Clarke, before his departure. The delay in its despatch arose from the non-receipt of certain information which was called for from the Courts to complete the table alluded to, in para: 2.

I agree with Mr. Clarke in the general view he has taken of the Village Tribunals, at the same time it must be kept in view that the differences between man and man in this District, differ widely in character from the ordinary disputes of other Districts, they involve heavy land disputes and titles of the most complicating nature, such as people do not willingly refer to these mere Village Authorities.

(Signed) W. ROBINSON,
Acting Collector.

From C. COLLETT, Esq., Sub-Collector of Malabar; to T. CLARKE, Esq., Collector of Malabar, Calicut, dated Palghaut, 1st March 1856, No. 78.

SIR,

The Circular Proceedings of the Board of Revenue, No. 3400, dated 18th December 1855, having been forwarded to me for "early report," I will do myself the honor of briefly submitting my ideas on the subject thereof without delaying to call for those returns on which alone a precise opinion could be based. The exercise of their powers as Moonsiffs by the Adigharies of Malabar attracted my attention some years ago, and when Special Assistant, I addressed one or two letters on the subject to the late Mr. Conolly, and also communicated with him demi-officially.

2. It will, I think, be found that the exercise of their judicial powers by Adigharies is the exception instead of the rule, though there will be found some Adigharies who habitually use these powers. Among Moplah Adigharies I may instance the Adighary of Kondotty, in Ernad, and among Nairs, the Adighary of Pang, in Valuvanad. But out of, say, 30 Adigharies in each of these Talooks, there would not be more than 8 or 10 who ever received a single suit. Very much depends upon the personal character of the Adighary, whether he is a man in whose ability and integrity the people have confidence, and one who is able and willing to give his time and attention to such matters.

3. In Malabar the existence of Adigharies does not date back more than 30 years, there is no emolument attached to the office beyond the 5¼ Rupees, which of course is not and indeed ought not to be any attraction. Yet I have always thought the selection of men for this office one of the most difficult and important points in the distribution of patronage. Mr. Græme's attempt to import the foreign idea of hereditary office has never been fully carried out, as indeed it never could have been without the certain loss of efficiency in this most important class of officials. Hitherto hereditary claims have been respected, but not allowed to stand in the way of the public interests.

4. I impute the small extent to which Adigharies act as Village Moonsiffs, to the want of any thing like supervision on our part, coupled with the effect of the constant mistakes we make

not only in the appointing, but in the subsequent treatment of these officials. In the first place, we have never required the Adigharies to make regular returns to us, and to us of course they look more than to the Civil Courts. I found a very marked effect to follow from requiring all Adigharies to send me quarterly returns of the number of suits disposed of, and still on their files. I would by no means recommend that suits cognizable by them should be always brought before them. I think perfect freedom to the inhabitants desirable. But when it is apparent that the people will not resort to particular Adigharies, it should attract our attention, and unless there is some exceptional cause for it, we may, I think, accept it as a pretty sure indication that we have not got the right man in the right place.

5. Next, as to the appointment of Adigharies, nothing, I have thought, is more difficult while a mistake is, I believe, of more importance than is generally supposed. In Malabar an Adighary is not a mere headman of a petty village consisting of a few hundred huts, included on half a dozen of square acres, and inhabited by his equals in poverty, but is or ought to be a man of considerable landed property, of respectable and old family and, if a Nair, will probably belong to a Tarwad more ancient than two-thirds of the English nobility. His office ought to be and is generally held from the same motives that landed proprietors in England like to be Magistrates. He has to deal with an equal variety of classes, from the petty chieftain, the old Jenmies and the substantial Kanamkars down to the struggling tenant at will, the petty shopkeeper and poor cooly and slave. His parish extends over from 10 to 20 or ofter more square miles, and the difficulty of discharging his duties is increased by the population being scattered over the face of it, and not gathered in one spot

6. It is very seldom that our Tahsildars duly appreciate the importance of the office, and consequently their recommendations (when honestly made which is the exception) are seldom judicious ones. I have repeatedly known Umedwars from the Talook Cutcherries not only to apply, but to be recommended for the office. Nothing could be more gross or improper. It is not though the highest man in the parish that ought to be made Adighary, for his rank and wealth will then often prevent that personal activity which Adigharies should exercise and that ready accessibility to all classes and castes which is indispensable. They ought, I think, to be generally treated with more respect than they often meet with from our native officials, who are generally inclined to treat them, as they would mere officials, drawing the low pay of 5¼ Rupees a month. This is, I think, particularly displayed by their exacting from them an over-frequent and needless attendance at the Talook Cutcherries and detaining them when there. More attention to the selection and treatment of the se important functionaries and a closer supervision of their exercise of judicial power would, I expect, be attended with a marked effect: to be fully efficacious, the reform should be general throughout the Province, and the attempt not confined to a particular division. There is, I think, no class of public functionaries in Malabar so generally deserving of confidence of their European superiors, and none who prove such trustworthy sources of information for them. Their position gives them the means of acquiring, and their comparative independence renders them generally willing privately and in confidence to impart, correct information not only as to events in their own neighbourhood, but generally as to the affairs of the Talook in which they reside.

7. The foregoing remarks were in great part drafted inmmediately upon the receipt of the Circular Proceedings alluded to, but the pressure of other business connected with the enquiry into the murder of the late Mr. Conolly prevented my submitting them before this.

(Signed) C. COLLETT, *Sub-Collector.*

(True Copy.)

(Signed) T. CLARKE,
Collector.

From R. K. PUCKLE, Esq., Head Assistant Collector of Malabar; to T. CLARKE, Esq., Collector of Malabar, dated Tellicherry, 28th July 1856.

SIR,

With reference to the Board's Circular, No. 3,400, calling for information regarding the system of employing Adigharies in the capacity of Village Moonsiffs, I beg to forward reports of the Tahsildars regarding it, and to state that the reason why the Village Moonsiffs decline admitting on their file all the suits brought before them is that no suderward is allowed them, the expense of which has to be defrayed from their small pay of 5¼ Rupees. To avoid this

expense, no exertion is made on their part to exercise their authority to the full extent of the powers granted to them. Some of them plead that, as the District Moonsiffs take up suits below 10 Rupees, the inhabitants prefer bringing their suits before the higher Court, hence very few have recourse to those of the Village Moonsiffs. The Adigharies besides their revenue and Police duties, are also vested with the power of Village Moonsiff, all of which duties have to be performed on their pay of 5¼ Rupees. I would therefore suggest that either their pay be increased to 7 Rupees or that suderward expences be allowed to them.

An order prohibiting District Moonsiffs to receive suits below 10 Rupees, would compel all parties having suits below that value to appear before the Village Moonsiffs.

With regard to their ability, it appears from the Tahsildar's reports that the greater number of them are more or less competent to hold the appointment of Village Moonsiffs.

(Signed) R. K. PUCKLE, *Head Assistant Collector.*

(True Copy.)

(Signed) T. CLARKE, *Collector.*

Table exhibiting the number of Suits filed, disposed of, and remaining on the File of the several Village Moonsiffs, in the Malabar District, in the years 1854-55.

Village Moonsiffs' Courts.	In 1854.							In 1855.						
	Remaining on the 1st January 1854.	No. of Suits filed.	Total remaining and filed.	Particulars of Decree.		Total disposed of.	Remaining.	Filed.	Total remaining and filed.	Particulars of Decree.		Total.	Remaining.
				Decreed on merits.	Dismissed on the application of the parties, and for default.					Decreed on merits.	Dismissed on the application of the parties, and for default.		
Calicut Zillah.													
1 Kootnaad	344	322	666	204	210	414	252	170	422	157	223	380	42
2 Shernaad	60	114	174	41	71	112	62	107	169	50	40	90	79
3 Calicut	.....	1	1	1	.....	1	.....	1	1	.....	.....	.....	1
4 Palghaut	64	99	163	79	21	100	63	73	136	35	22	57	79
5 Betutnaad	.....	.....	.....	.....	.....	.....	.....	47	47	15	11	26	21
6 Ernaad	79	284	363	153	65	218	145	207	352	117	98	215	137
7 Pynaad	.....	.....	.....	.....	.....	.....	.....	15	15	7	.....	7	8
8 Nedoonganad	35	73	108	69	3	72	36	131	167	45	23	68	99
9 Velliangode	3	12	15	6	3	9	6	8	14	6	2	8	6
10 Chowghaut	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
11 Cutcherry	.....	.....	.....	.....	.....	.....	.....	1	1	1	.....	1	.....
12 Pattamby	9	179	188	87	69	156	32	111	143	83	29	112	31
13 Temulprom	.....	76	76	39	24	63	13	101	114	67	34	101	13
14 Anjengo	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total...	594	1,160	1,754	679	466	1,145	609	972	1,581	583	482	1,065	516
Tellicherry Zillah.													
15 Irooveynaad	139	70	209	22	19	41	168	115	283	47	78	125	158
16 Tellicherry	23	.....	23	.....	4	4	19	15	34	8	24	32	2
Total...	162	70	232	22	23	45	187	130	317	55	102	157	160
Grand Total...	756	1,230	1,986	701	489	1,190	796	1,102	1,898	638	584	1,222	676

(Signed) W. ROBINSON, *Acting Collector.*

No. 4. From GEORGE ELLIS, Esq., Register to the Court of Sudr Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 6th March 1857, No. 23.

SIR,

1. I have the honor, by direction of the Judges of the Court of Sudr Udalut, to forward the report called for in the Extract from the Minutes of Consultation, under date the 8th December 1855, in regard to the working of the Village Moonsiffs' Courts in the several Zillahs of this Presidency.

2. Much delay has, from various causes, the Court of Sudr Udalut regret to observe, retarded the submission of this report to Government, the chiefest of which has been the imperfect nature of the returns received from the Provinces, which has necessitated constant references and corrections before the Court could find themselves in possession of such information as would enable them to report in a satisfactory manner on the subject before them.

3. Appended is a general abstract of the opinion of the Officers who have been applied to on the different points on which the Government were desirous of obtaining information; the figured statements which accompany this letter will also show the operations of the Village Moonsiffs' Courts in different years, *i. e.*, the number of suits decided by them, as well as the actual number of Moonsiffs who have passed decisions in the last 3 years.

4. The Court of Sudr Udalut observe that the Village Moonsiff system was in full operation in 1817, when the number of suits decided by the Village Moonsiffs was 10,293; it however declined rapidly in the next four years, (1818, 1819, 1820, 1821) and in 1822, 23 and 24 the average annual number of decisions was only about 3,000. There was again an improvement in 1826 and 1827, when the number annually decided was about 5,000.

5. It appears that considerable pains were taken to introduce the Village Moonsiff system (a favorite one of the late Sir Thomas Munro) and that the Officers in the Provinces were generally anxious to encourage the measure; yet in communicating their opinion to Government in 1829, the Court of Sudr Udalut were constrained to remark that "It will be seen that those Officers in the Provinces who are inclined to represent the character of the Village Moonsiffs in the most favorable light, still allow that they are for the most part very illiterate, and that in the disposal of the law suits brought before them, they attend but little to the provisions of the Regulations. The prevailing opinion, however, seems to be that these functionaries are generally unfit to discharge the duties assigned to them as Village Judges, and that their Courts are not held in much estimation, are but little resorted to; an opinion which appears to be confirmed by a comparison of the number of causes disposed of in the Village Courts with the number of similar causes decided by the District Moonsiffs."

Vide Para. 34. Extract Proceedings of the Court of Sudr Udalut 23rd April 1829.

6. There are no returns procurable of the number of suits decided during the years that intervened between 1827 and 1842 nor are there reliable sources from which an approximate estimate of the operation of the Village Moonsiffs' Courts during those intervening years can be formed. In 1842 the number of suits decided was 4697. In the year 1844 this Court reported to Government that "the attempt to establish practically a system of Village legislation had not been attended with generally acknowledged beneficial results and that it could not be said to have operated to the benefit of the community."

7. From 1845 a steady increase was to be observed until, in 1854, the number of suits decided by Village Moonsiffs was 12,991, the average from 1850 to 1854 being 11,270. The number of suits below 10 Rupees decided by District Moonsiffs in the years 1852, 53, 54, were 12,202, against 11,962, decided by Village Moonsiffs for the same period. In the margin will be seen the corresponding decisions of these two tribunals in the years 1825-26-27. A striking increase is thus exhibited in favor of the

Village Moonsiffs.	District Moonsiffs.
4,619.	14,928.

Village Moonsiffs. This increase is however more apparent than real. At the first glance the inference naturally drawn is that the Village Moonsiffs take off more than a moiety of cases throughout the whole Presidency and of course a great deal more than the moiety of such cases in some districts. It is however to be borne in mind that the Village Moonsiffs of Trichinopoly, Srerungum, Tanjore, and Combaconum, are in reality Town Moonsiffs, drawing fair salaries; the decisions of these Officers during the years 1852, 53, and 54 averaged 2,083 per annum as will be seen by the marginal statement. If then this number be deducted from the 11,962 suits decided by Village Moonsiffs as stated in the commencement of this para, it reduces the operations of the Village Moonsiffs' Courts at present, when the population and consequent litigation has greatly increased, to 414 less than what they were in 1817, when the system was first introduced.

Trichinopoly Town Moonsiffs.

1852, 1853, 1854	2,308
Srerungum	1,539
Combaconum	1,660
Madura	627
Tanjore for one year	114
	3) 6,248
Average	2,083

1817 Village Moonsiffs' decisions, 10,293

From the Returns forwarded by the Board of Revenue.

Present average of Village Moonsiffs' decisions. 11,962—2083=9,879 / 414

8. The number of Village Moonsiffs throughout the Presidency amounts to 37,284, of this number only an average of 675 actually performed any judicial duties during each of the years 1852-53-54, or one in 55 only. Thus it would appear that Village Moonsiffs instead of taking off more than a moiety of this class of cases over the whole Presidency, only at most take off this class of cases in 675 Villages out of the 37,284 Villages of the Presidency. The rest of the cases in the 36,609 Villages either go before the District Moonsiffs, or are not brought before any tribunal because too petty in amount to make it worth while for the Plaintiffs to undertake the trouble, expense, and uncertainty of filing their suits before the District Moonsiffs residing at considerable distances.

9. The conclusions which the Court of Sudr Udalut are obliged to draw from these returns are unfavourable to the Village Moonsiff system as at present organised; in principle they fully recognize the importance of exciting in the Village community a confidence in their fellows and encouraging the people to resort to these simple and inexpensive tribunals for the adjudication of their petty suits; practically however, the existing system has, after the experience of forty years, been found to be a failure, and the returns and reports show that very great advantage would accrue from the general introduction of an intelligent, well educated, and well paid body of Town Moonsiffs with summary jurisdiction in small causes.

(Signed) GEORGE ELLIS,
Register.

Statement shewing the number of Suits decided by Village Moonsiffs.

	1817	1818	1819	1820	1821	1822	1823	1824	1825	1826	1827	1842	1843	1844	1845	1846	1847	1849	1850	1851	1852	1853	1854
Centre Dn....	1,653	1,115	505	456	636	624	1,163	877	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Northern Dn..	737	800	484	654	393	299	293	449	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Southern Dn..	5,438	3,602	2,172	1,644	1,192	822	826	1,033	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Western Dn..	2,465	2,549	1,232	1,390	1,593	1,280	748	916	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bellary.....	...	...	...	...	...	...	...	...	14	1	...	...	1	...	168	136	116	81	42	86	18	1	12
Chingleput....	...	...	...	...	...	...	...	...	137	148	43	57	27	28	122	91	64	144	177	156	96	91	133
Cuddalore.....	...	...	...	...	...	...	...	...	...	...	...	675	193	648	367	696	949	1,476	1,351	915	853	811	824
Chittoor.....	...	...	...	...	...	...	...	...	758	851	441	719	282	874	1,176	1,048	906	700	892	1,020	913	741	606
Cuddapah	...	...	...	...	...	...	...	...	254	223	179	93	50	223	207	57	100	52	50	123	89	39	53
Cumbum.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chicacole.....	...	...	...	...	...	...	...	...	88	108	37	...	...	71	45	51	58	58	39	51	46	19	18
Masulipatam..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	45	145	108	561	756	562	432	247
Rajahmundry	...	...	...	...	...	...	...	...	67	88	90	21	13	31	234	253	531	403	407	445	310	311	329
Nellore.....	...	...	...	...	...	...	...	...	633	318	229	281	251	362	340	423	365	246	255	235	236	347	346
Guntoor.....	...	...	...	...	...	...	...	...	...	...	...	193	101	452	336	432	581	651	759	877	1,298	1,096	761
Vizagapatam.	...	...	...	...	...	...	...	...	...	...	...	16	15	...	...	...	...	...	...	...	...	...	...
Itchapore.....	...	...	...	...	...	...	...	...	...	...	...	37	18	...	...	...	...	...	...	...	...	...	...
Combaconum.	...	...	...	...	...	...	...	...	343	245	236	550	277	712	853	1,016	1,389	1,932	2,406	2,872	2,114	1,942	2,887
Trichinopoly..	...	...	...	...	...	...	...	...	...	...	...	292	222	480	599	502	671	995	1,500	1,853	2,055	2,116	2,164
Madura.....	...	...	...	...	...	...	...	...	621	868	439	148	135	70	77	126	105	237	192	297	333	604	676
Tinnevelly....	...	...	...	...	...	...	...	...	...	...	383	79	118	210	246	271	373	388	446	318	472	360	512
Coimbatore...	...	...	...	...	...	...	...	...	476	453	216	322	183	267	234	260	134	180	254	236	440	609	527
Salem.....	...	...	...	...	...	...	...	...	...	...	262	...	...	...	...	...	...	...	...	...	...	...	...
Colegal.....	...	...	...	...	...	...	...	...	795	1,031	381	461	25	238	325	164	139	204	229	190	365	225	333
Canara.....	...	...	...	...	...	...	...	...	...	...	416	54	47	127	188	78	48	172	215	372	563	424	617
Honore.....	...	...	...	...	...	...	...	...	...	611	857	538	1	53	59	32	19	219	424	123	419	725	1,145
Calicut.....	...	...	...	...	...	...	...	...	...	...	419	...	...	...	49	178	...	...	...32	...	...	142	87
Tellicherry ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seringapatam.	...	...	...	...	...	...	...	...	...	231	331	...	...	...	...	...	...	...	...	...	...	...	...
Sircy.....	...	...	...	...	...	...	...	...	...	...	...	61	58	...	...	...	...	...	...	...	...	...	...
Cochin.....	...	...	...	...	...	...	...	...	...	...	...	8	48	...	...	...	...	...	...	...	...	...	...
	10,293	8,066	4,393	4,144	3,814	3,025	3,030	3,275	4,186	5,176	5,095	4,697	2,097	5,064	5,684	5,957	6,820	8,703	10,960	11,226	11,375	11,522	12,991

(Signed) GEORGE ELLIS,
Register.

6th March 1857.

Statement shewing the number of Suits filed before District Moonsiffs' Courts for 3 years or from 1852 to 1854 inclusive, which are cognizable by the Village Moonsiffs.

Zillah.	1852	1853	1854	Remarks.
Bellary, ...	5	1	1	
Calicut, ...	28	52	70	
Chicacole, ...	6	6	6	
Chingleput,...	22	22	22	
Chittoor, ...	36	26	21	
Coimbatore, ...	32	35	34	
Tanjore, ...	30	25	31	
Cuddalore, ...	65	69	69	
Cuddapah, ...	6	6	6	
Guntoor, ...	97	110	89	
Honore, ...	49	56	44	
Madura, ...	11	12	15	

Zillah.	1852	1853	1854	Remarks.
Mangalore, ...	35	36	29	
Masulipatam, ...	32	35	34	
Nellore, ...	55	55	55	
Rajahmundry, ...	35	35	35	
Salem, ...	49	49	49	
Tellicherry, ...	0	9	7	
Tinnevelly, ...	31	33	41	
Trichinopoly, ...	24	24	24	
Total...	584	626	614	
Average per Zillah...	32	35	34	

(Signed) GEORGE ELLIS,
Register.

6th March 1857.

ABSTRACT.

Bellary, ...	2,294 Madura, ...	1,072
Calicut, ...	2,437 Mangalore, ...	1,548
Chittoor, ...	1,416 Masulipatam, ...	936
Chingleput, ...	1,106 Nellore, ...	1,305
Chicacole, ...	1,172 Rajahmundry, ...	957
Coimbatore, ...	2,810 Salem, ...	4,490
Combaconum, ...	4,413 Tellicherry, ...	847
Cuddapah, ...	3,513 Tinnevelly, ...	349
Cuddalore, ...	1,608 Trichinopoly, ...	1,764
Guntoor, ...	1,247	Total... 36,610
Honore, ...	1,326	

(Signed) GEORGE ELLIS,
Register.

6th March 1857.

ABSTRACT.

1. It is stated by the majority of the Judges and Collectors from whom information has been sought that the Village Moonsiffs are not held in estimation by the people generally as they are illiterate, being selected for the office in virtue of hereditary succession rather than from any special qualification in the individual, and their well known aversion to perform the duties of their office in consequence of its being unremunerative deters the members of the community from frequenting these petty tribunals.

What is the general character of the Village Moonsiffs' Courts and of the Moonsiffs who preside in them.

Whether a preference is manifested by the Natives towards the Courts of the District Moonsiffs, and if so what are the causes for that preference, whether it is compreference, whether it is confined to particular classes or to the monied interest only, or whether the Ryots are satisfied to apply to the Village Moonsiffs for the settlement of their disputes.

2. That the Courts of the District Moonsiffs are generally preferred because duly qualified Vakeels can there be employed to conduct their suits, which are earlier decided, the proceedings of the Officers presiding in these Courts being more strictly under the control of the Civil Courts, and greater confidence being placed in the ability of the District Moonsiff to investigate and decide.

3. The Civil Judge of Coimbatore further states that should a suitor have any ground of complaint against the proceedings of the District Moonsiff, he can boldly urge his complaint

while he fears the vengeance of the Village Moonsiff and the indignities he may be subjected to by him should he venture to prefer charges which he may not be able to substantiate; and the Civil Judge of Mangalore adds that the Village Moonsiffs have generally a bias in favor of the Ryots, because the former are in some instances, their landlords, and in others they are the chief persons at the Village religious festivals.

What are the causes that render the Village Courts more or less operative in some Districts.

4. The favourable results observable in Trichinopoly, are owing to the exertions chiefly of the 2 Stipendiary Town Moonsiffs of Trichinopoly and Streerungum, the former of whom receives a monthly salary of 40 Rupees; and the latter 7 Rupees, of 1764 suits filed in 1855, 940 were disposed of by these 2 Moonsiffs, while the remaining suits were distributed among the other 22 Moonsiffs, and the comparatively small proportion of Village Moonsiffs exercising Civil powers as compared with the entire Villages of the Zillah which number no less than 1254, is accounted for by no stimulus being held out to them to perform this portion of their duty.

5. Of 3348, the No. of Village Moonsiffs in the Zillah of Combaconum, a very small proportion perform any Judicial functions. Of these the Town Moonsiffs of Combaconum and Tanjore receive respectively 40 Rupees per mensem and their Courts are thronged; of 2887 suits disposed of in 1854, 875 were decided by these 2 Stipendiary Moonsiffs, while the remaining No. were disposed of by 29 Moonsiffs, being an average of about 67 by each Village Moonsiff.

6. The Civil Judge of Guntoor states that he is strongly impressed with the belief that the No. of suits disposed of by the Village Moonsiffs in this Zillah as compared with other Zillahs is attributable to the influence and personal importance of the Curnums who generally perform the duties of the Village Moonsiffs.

7. The Civil Judge of Bellary concurs with the Collector in stating that the ignorance of this Village Moonsiffs has been the cause of their not acting, that the late Collector (Mr. Mellor) took considerable pains to induce them to act but without success, and that it is not anticipate, they will exert themselves until education advances.

8. The Civil Judge of Cuddapah attributes the inoperativeness of the Village Moonsiffs' Courts in this District to the unpopularity of the Village Moonsiffs, as they are ignorant and unable to read or write, and generally favor the party who chimes in with their own interests while the Curnums who are educated and have the real management of the matter generally support the views of their favorites without much reference to the merits of the case. The Civil Judge states that these Officers are often at enmity with each other, as well as with other Reddies and Curnums in the Village, that they are often creditors of the Ryots and others who cultivate their lands, that they are frequently absent on matters connected with other duties, and that the turbulent spirit of the people, has tended to deter the industrious from feeling any respect for the Village Moonsiffs and Curnums, or from placing any reliance on their ideas of justice, and hence that the Villagers prefer resorting for the settlement of their claims, to the District Moonsiffs' Courts, whereas they are generally unknown, they feel there is less prospect of any marked partiality.

9. The Agent at Ganjam states that the Orega class are very deficient in general information, have no copies of rules or regulations in their own language, know little or no Teloogoo, that even the Curnums cannot write; that as their allowances as Village Moonsiffs are small, they are not in a position to command respect either by their intelligence, or the influence of wealth; that the Curnum is the person who has all the powers of the Village Moonsiff and tciannot therefore be wondered at that the inhabitants of these parts have no idea of the benefits of the Village Courts; that in the South of the District there is decidedly a more intelligent and more wealthy class, but the system has not yet been introduced; that the Cazees have no knowledge of rule or regulation, and it is only within the last year that they have been stirred up to act in petty criminal cases; that there is not sufficient reliance placed on the great mass of Village Moonsiffs to make their Courts acceptable, besides there is a feeling of false pride very prevalent, which renders them averse to bring their compliants before one whom they look on as no better than themselves.

10. The Agent at Vizagapatam states that the inactivity of the Village Moonsiffs in his district is partly caused by the absence in many instances of any Enams, or of any money allowance to them; by disinclination of the people to submit to their authority (except when offered in the way of mediation) and the indifference of the Village Moonsiffs themselves to act. That in the Hill Zemindary tracts petty civil disputes in Villages are mostly adjusted by the Zemindars, or their Dewans whilst in the plains the people resort in numbers to the District Moonsiffs.

11. The Civil Judge of Chicacole states that as the Village Moonsiffs are ignorant and are chiefly engaged in their cultivation they are unwilling to act, and that as no confidence is placed in their decisions, the people prefer resorting to the District Moonsiffs' Courts.

12. The Civil Judges of Tinnevelly, Salem, Combaconum, Chingleput, Coimbatore, Mangalore and Cuddapah also state, that the family influence of the individuals filling the post of Village Moonsiffs, the greater respect shown to them in some Districts than in others, and the line of succession being more strictly adhered to and thus rendering the office more honorable and therefore more coveted, induce a predilection for the Village Courts in one District over another. That the class of Officers differ greatly in character in different districts and to which may be ascribed the disproportion of decisions in some as compared with others. That the Village Moonsiffs are deterred from acting from conscious ignorance of the rules and regulations enacted for their guidance, from anxiety to avoid becoming obnoxious to the people in their jurisdiction, from the great difficulty they experience in procuring the assistance of Curnums, from the necessity they are under to furnish periodical accounts at their own expense and which are occasionally rectified at the direction of District Moonsiffs; from interruption to their avocations, by being liable to be called away to give evidence in Courts, or to answer for their proceedings if impugned by a dissatisfied suitor for partiality and for which attendance they do not receive the slightest remuneration, and from the rigid manner with which all duties of a Police character are exacted of him and the severe penalties following any dereliction of duty.

Whether there is reason to suspect that the Village Moonsiffs do not make correct returns or some times fail to make any, though they may have acted occasionally.

13. The Civil Judges of Salem, Calicut, Chicacole and Chittoor state that the returns of the Village Moonsiffs are irregular, incorrect, untrustworthy and unintelligible, and do not represent the work actually performed by them, while the Civil Judges of Mangalore and Combaconum state that there is no reason to suppose that the Village Moonsiffs dispose of suits without reporting them to the Higher Court.

Whether the Village Moonsiffs act beneficially in allaying many disputes between Ryot and Ryot before they ripen into law suits.

14. That the Village Moonsiffs occasionally settle such suits beneficially.

What are the Districts in which the emoluments of the Potails, Monegars &c. have been raised and improved and what are the allowances now enjoyed by them and whether this reform has induced a greater activity on their part in the performance of their Judicial duties.

15. That the Town Moonsiffs of Trichinopoly and Sreerungum, Combaconum and Tanjore are remunerated as stated in paras. 4 and 5 while those in other Districts receive nothing for their Judicial functions.

(Signed) GEORGE ELLIS,
Register.

No. 5. ORDER THEREON, No. 381; dated 1st April 1857.

Resolved that the above letters be recorded and that copies of them and of the Reports transmitted with them be furnished to the Member for Madras of the Legislative Council for his information.

(Signed) T. PYCROFT,
Chief Secretary.

Memorandum

From Board of Revenue 22nd December 1856.
From Court of Sudr Adawlut 16th March 1857.

The Board of Revenue and Court of Sudr Adawlut submit returns illustrative of the working of the Village Moonsiffs Courts in this Presidency.

2 The returns were called for in consequence of an application made demi-officially by the Member for Madras of the Legislative Council, at the instance of the Lieutenant Governor N.W. Provinces. Mr Colvin was desirous of being informed of the working of the system - surmising that, if less more fully developed, it might be found preferable to the establishment of Small Cause Courts

Jds notice that this Govt is called on to give my opinion - & I think it unadvisable. that it shd do so. at the present time. when a longer experience of the working has already been recommended.

The reports of the Judges of C. C. of Red. could be forwarded to Mr Eliott.

an order might issue giving the general statements asked for in this memo.

I however agree with much with the minute below in para 16.

M St. L.

I would send these

484 91

Fort St. George, Judicial Consultation, 7th April 1857.

Ordered that the following letter be despatched.

No. 6. From T. PYCROFT, Esq., Chief Secretary to the Government of Fort St. George; to D. ELIOTT, Esq., Member of the Legislative Council of India for Madras, dated 6th April 1857, No. 381 A.

SIR,

I am directed by the Right Honorable the Governor in Council to forward for your information the accompanying copies of letters from the Court of Sudr Adawlut and Board of Revenue, with their enclosures, relative to the Village Moonsiffs of this Presidency.

(Signed) T. PYCROFT,
Chief Secretary.

7th April 1857

381 Ry

returns to W. S.
Block B without
any Minion - Thus
is made to read
on the subject of
Annual Accounts
Accounts & Books
Examination
arrived at in this
Record -
26/3/57 - Wells

Courts under the Bill -
which some months
since was before the Le-
gislative Council - but
which, for some reason
unknown, has latterly
been in abeyance -

3 The Board of Revenue
submit reports from the
Collectors of the different
districts and give the
following conclusions as
the result of their in-
quiry as well as of their
personal experience -

4 That the Office of
Village Moonsiff is held
in high estimation by the
people, and that a consider-
able amount of litigation
is disposed of by persons
holding that Office, although
no record is kept of the work
done as required by the Regu-
lation -

5 That, with some ex-
ceptions, there is a general

District Moonsiffs
Courts were establish-
ed by Reg VI. 1816 - so
that this cause, if it
be one - has been long
in operation

unwillingness to act for-
mally as required by the
Regulation, arising partly
from the fear of responsibi-
lity to the Courts and partly
from causes which have
operated in depressing the
village Courts generally. These
are the institution of District
Courts with Stipendiary or
Officers comparatively well
paid, and the authority ex-
ercised by the Revenue and
Police officers in general.
By the former, suits are
drawn away from the
village Tribunals - and by
the latter, that independence,
so essential to healthy action,
has been impaired. Both
causes seem to have produced
that unfriendliness and inac-
tivity, which some of the
local officers have noticed -

6 That the exact amount
of unrecorded litigation
disposed of in every District,
and the settlements made
under

under the Regulation by Moon-
-siffs of large villages and
towns, whether a special
salary has been given to the
parties as in Tanjore, Com-
-baconum and Trichinopoly
or otherwise, point to the
importance of the Office and
benefit to the Country, its
necessity being further
shewn by the urgent appli-
-cation of the inhabitants
of Tanjore for a Village
Officer to settle their disputes.
7 Looking to the character
and position of influence
of many individuals of this
class, and to the amount of
adjudication effected by them,
the Board are not disposed
to attach much weight to
the view that stipends are
essential to the well-work-
-ing of the Office on the
subject of remuneration;
they would adopt the view
of the Collector of Madura
as to the impossibility of the
State providing a sufficient
salary for every Village Moo-
-nsiff throughout the
Country - at the same time,
it appears to them very im-
-portant that the numerous
subdivisions of emoluments
should be entirely checked
in view to the parties actually
in Office receiving the full
value of the allowance al-
-lotted by the State, whether
in land or money.
8 Of the arrangement
of Establishing paid Moon-
-siffs in large Towns it
to be extended, it is worth
consideration whether, under
the increased attention
paid to the qualifications
of Village Moonsiffs and
to the present Educational
progress among all classes,
those powers should not
be considerably enlarged.
The Board believe that
this may be done with
much advantage. In the
selection

selection of individuals to fill the Office of Moonsiff in Towns, it seems desirable that those circumstances which now in part consequence should not be lost sight of. These are, possession of land & property in the neighbourhood and a local status in the Talook.

9 The Board are of opinion that perseverance in the present exertions of making the village Moonsiffs better acquainted with their duties will secure a more general & efficient discharge of what is required. But, if fear of responsibility to the Courts is really operative to the extent stated, and the Board ~~have already stated~~ that they are of opinion that it is so, efficiency will not probably be fully attained till something is done to remove

remove that fear. The authorities in Malabar seem to think that the returns of work performed by the village tribunals should be made to the Collector of the District, to whom the Moonsiffs look generally. It is not clear whether the returns are to be made to the Courts also. A double return is of doubtful benefit so far as respects the source of the evil complained of. It may however be considered whether the returns may not be made to the Collector alone, experimentally, for two or three years.

10 The Board do not think that in ordinary cases an Office establishment is necessary, the provision made by the Regulation being sufficient; but, in the case of Town Moonsiffs, with enlarged powers

powers, ministerial and
vile, they are of opinion,
be necessary.-

11 The subjoined
statements of the operations
of the Village Moonsiffs
Courts- and an abstract,
giving a summary of the
opinions of the Local Offi-
-cers, Judges and Collectors
on the several points on
which their opinion had
been required.-

12 The subjoined remark
that, in 1854, the number
of suits decided by Village
Moonsiffs was 12,991- the
average from 1850 to 1854
being 11,270- The number
of suits below 10 Rs decided
by District Moonsiffs
in the years 1852, 53, 54 were
12,202 against 11,962 decided
by Village Moonsiffs for
the same period-

13 In the years 1825-1826
-1827 the corresponding
decisions of the two tribunals
averaged

Trichinopoly	Town Moonsiffs
1852	
1853	2,308
1854	
Sreerungam	1,539
Combaconum	1,660
Madura	627
Tanjore for one year	114
	3) 6248
Average	2083

averaged,
District Moonsiffs--- 11,925-
Village Moonsiffs---- 4,679-
a striking increase of late
years is thus exhibited in
favor of Village Moonsiffs-
which, however, is more ap
-parent than real- It is
to be borne in mind that
the village Moonsiffs of
Trichinopoly, Sreerungam,
Tanjore and Combaconum
are, in reality, town Moon-
-siffs, drawing fair salaries,
the decisions of these officers
during the years 1852 - 53
and 54 averaged 2,083 per
annum, as shown in the
marginal Statement. If
this number be deducted
from the 11,962 suits de-
-cided by Village Moon-
-siffs on the average of the
years 1852 - 54, it reduces
the operations of the Village
Moonsiffs' Courts at present,
when the population and
consequent litigation has
greatly

1817. Vill: Mussfs decisions 10,293

Present aver-age of Village Moonsiffs decisions - 11,962 - 2,083 = 9,879 / 414

greatly increased, to 414 less than what they were in 1817, when the system was first introduced.

14 The number of Village Moonsiffs throughout the Presidency amounts to 37,284 - of this number only an average of 675 actually per-formed any judicial duties during each of the years 1852, 53, 54, or one in 55 only. Thus, it would appear that Village Moonsiffs, instead of taking off more than a moiety of this class of cases over the whole Presidency only, at most, take off this class of cases in 675 Villages out of the 37,284 villages of the Presidency. The rest of the cases in the 36,609 villages either go before the District Moonsiffs, or are not brought before any tribu-nal, because too petty in amount to make it worth

worth while for the Plain-tiffs to undertake the trouble, expence, and un-certainty of filing their suits before the District Moonsiffs residing at considerable distances.

15 The conclusions which the Court of Sudr Adalut are obliged to draw from these returns are unfavorable to the Village Moonsiff system, as at present organised: in principle, they fully recognize the importance of existing in the Village Community a confidence in their fellows and en-couraging the people to resort to these simple and inexpensive tribu-nals for the adjudica-tion of their petty suits; practically, however, the existing system has, after the experience of forty years, been found to

to be a failure, and the returns and reports show that very great advantage would accrue from the general introduction of an intelligent, well educated and well paid body of Town Mooniffs, with summary jurisdiction in small causes.

15. These reports might be sent to the Honorable Mr Elliott at whose instance they were obtained, but some expression of opinion may be looked for.

16 I confess I think that the two are right and that these village courts properly so called, are really of very little use - nor, I may add, are they likely to become of any - The Mooniffs are untaught and unpaid, have no establishment, nor the slightest

smattering of legal knowledge, usually, indeed, have no education at all, and have to administer a procedure - which, simple as it may seem to us, is yet complicated to them - Observe it will be found that gratuitous justice is, like most things that are to be had for nothing, worth very little - That the Village Mooniffs may settle a good many disputes or claims extrajudicially, or, as arbitrators, is probable enough - but this they do, not as Village Mooniffs, nor under the Regulation - but as the Heads of the village Community and in virtue of the influence attaching to that position and in proportion to the

the energy and intelligence of its incumbent. but these qualities would make themselves felt in the adjustment of their Village dis= =ferences, although the Office of Village Moonsiff had not been created.

17 The measure, how= =ever, recommended by both the Court of Sudr Dawlut and Board of Revenue, of locating Village Moonsiffs on fair rates of Salary as Town Moonsiffs in the various large towns, appears highly desirable. The only Zillahs in= which such an Office now exists are Comba= =comum. Trichinopaly and Madura. In the Combaconum Zillah, there are two. both of recent origin one at Combaconum the other at Tanjore. each on a Salary of Rs 40 per mensem. Mr Forbes advises that the expense be fixed at Rs 50 per mensem. viz: Rs 35 for Salary 6 Rupees for a Gomas= =tah. the same sum for two Peons. and 3 Rs for Sadarwards or Con= =tingent charges. He proposes that these Courts be established at 20 Stations in the Zillah (besides those now at Combaconum and Tanjore). which, at 50 Rs a month, would involve a monthly expenditure of Rs 1,000. or Rs 12,000 annually. In Trichi= =nopoly, however, it is stated by the Collector,

a

17 Janv. 1856 D 7

a Salary of from 7 to 10 Rupees per mensem would be ample. The emoluments of the Cazee, who acts as Village Moonsiff in the Town of Madura, are not given.-

18 Something between the rate proposed for the Tanjore Moonsiffs and that for those of Trichinopoly might be appropriate - or, rather, the rate should not be uniform but vary with the circumstances of the District, character of the people, probable nature and extent of business so that the Officer, when placed on such a footing, would be of great benefit to the Country, judging from the partial experience that has been had of it, cannot, I think, be doubted - when put on this status, its jurisdiction, territorial and financial, might be enlarged - thus, it might take, in all, suits under 20 Rupees within a circle of a radius of five miles from the Town - decrees to the present limit of 10 Rs might be final - in those from 10 to 20 Rs appeal might lie to the District Moonsiff. The Town Moonsiffs should be furnished with simple Compendia in the native language, setting out their powers, duties and form of procedure - and might eventually be subject to examination

19 Some change in the present law would of course be necessary to bring about this object.-

Judicial Depart[t]
No 381

Extract Minutes of Cons: Dated 1st April 1857.

24

From Govt of Bombay 22d Dec 1856
No 3

From Court of Sudr Adawlut. 6 March
57
No 393

Resolved that the above letters be recorded and that copies of them & of the reports be transmitted with them to the Govt for the Madras & the Leg Council for their information

Copy to The Hon. D Eliott Esq[re] Member for Madras of the Leg. Council of India

do Revenue Board
do Judges of the C[t] of S[r] Adalut } Disp[d] 9th

24 March
1858

Dispd. 10th per Steamer.

Judicial Dept.

No. 381.A

To
H. Elliot Esq
Member of the Legislative Council of India
for Madras

To be pleased
with the other
papers

Sir,

I am directed to forward for
your information & accom-
panying extract of letter
from the Court of Sudr
Adawlut & Board of
Revenue with its enclosures
relative to the Killaur Mommitts
of this Presidency

Fort St George,
1st April, 1857.

I have &c
(Signed) J. Thomas
Chief Secy to Govt

Judicial Dept.
No. 381 to Govt
dated 1st April 1857

Extract of Proceedings of Govt
of Fort St George
dated 1st April 1857
Judicial Dept.
No. 381

Read the following letter from the Sudr Adawlut & Board of Revenue dated 18th March 1857 with its enclosures.

Ordered that the Sudr Adawlut & Board of Revenue be informed that the Govt approve the proposition contained in their letter.

Ordered that a copy of the letter from the Sudr Adawlut & Board of Revenue with its enclosures be forwarded to H. Elliot Esq Member of the Legislative Council of India for Madras.

(Signed) J. Thomas
Chief Secy to Govt

3 @ 6

Judl. Dept. to Engd. 20th Octr. No. 6
of 1857 Para. 10.

Judicial 1857 Dep.t

Rept. to in No. 5 of 1858.
P. 9 @ 14.

No. 381 A

To
The Members of the Legislative
Council for Madras

Dated 1st April 57.

6