

# MADRAS RECORD OFFICE.

Government of Madras.

*Justice* DEPARTMENT.

|              |                  |             |
|--------------|------------------|-------------|
| G.O. No.     | <i>726</i>       | Press       |
|              |                  | <i>Mis.</i> |
| <i>66-67</i> |                  |             |
| Dated        | <i>20-8-1967</i> | <i>1967</i> |

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,  
from 18th to 27th May 1859.*

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No. 66. Read the following letter from H. FORBES, Esq., Member of the Legislative Council ; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 14th May 1859.

On the 3rd Instant, I had the honor to address you for the purpose of informing the Government of the alterations which had been made in the Small Cause Bill, as it passed through Committee, and in the 8th paragraph of my letter, I stated that one of these alterations had been an amendment of Section I, so as to declare that no Courts established under its provisions shall hear or determine any suit which, under the provisions of Section XIX as amended, can be heard by any District Moonsiff under the unappellate jurisdiction therein generally given.

2. I wrote the letter I refer to immediately after the debate, and before the amended Bill had been printed, and on seeing the printed Bill, I perceive that, for a right understanding of the matter, it is necessary that I should offer some further explanation to Government.

3. The amendment I refer to now was not in Section I, but forms Section V of the amended Bill, and although I correctly described the intention of the amendment moved by the Member for Bombay, and the form in which he considered that he had moved it, the wording of the Section as now entered in the Bill, does not, standing alone, convey the same meaning. Mr. LeGeyt proposes to alter it on the Bill being re-committed, but contends that, taken with Section VI of the new Code of Civil Procedure, the Section, as now standing, will have the action he intended. To prevent any misunderstanding that might otherwise naturally arise as to the meaning of the Section, in the minds of the Judicial Officers to whom the Government may refer this Bill, I have taken leave to explain that the mover's meaning and intention are that the Small Cause Courts established under Section I of the Bill shall not have cognizance of any suit, the subject matter of which shall not exceed 20 Rupees in value, and that all such suits shall be tried solely by the District Moonsiffs.

4. As it appears to me, and to others with whom I act, that it is a grave error, in establishing Small Cause Courts, to deprive them of jurisdiction over the majority of Small Causes, an attempt will be made to revert to the Section as it originally stood when the Bill is re-committed.

No. 67. ORDER THEREON, 26th May 1859, No. 726.

Communicated to the Court of Sudder Adalat.

(Signed) T. PYCROFT,  
Chief Secretary.

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Nº 726.

Communicated to the Court  
of Sudder Adalat.

Forb & George, &  
26 May 1859.

JP

The Court of Sudder Adalat. } Dispt. 30<sup>th</sup>  
and Bill