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Fort St. George, Judicial Consultation, 25th January 1859.

Read the following papers.

No. 38. From C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 4th August 1858, No. 26.

SIR,

1. In Minutes of Consultation under date the 3rd June 1858, the Government called upon the Judges of the Court of Sudr Udalut, to give their opinion upon the schemes proposed by Mr. Harington and the Honorable the Lieutenant Governor of Bengal for an improved system of judicial tribunals, and to take into consideration certain observations offered by Mr. Forbes, in forwarding these schemes, relative to the introduction of professional Lawyers on the Bench in the Courts of this Presidency, and I have now the honor by direction of the Judges to submit the following report.

2. Before dealing with the above communications the Judges would lay before the Government a scheme of Courts which they had prepared before the receipt of these papers, as they believe that what few observations they have to make on the Bengal schemes, will come with better effect, when perused after that which they advocate has been brought under notice.

3. In their communication to the Government of the 31st March last, on the subject of registering Assurances, they recommended that the Courts of the District Moonsiffs should be assimilated to the County Courts in England and the Small Cause Courts in India. Understanding that an important change in our system of judicatories was under the contemplation of the Legislature, they have been since led to look more closely into the working of the Small Cause Court at Madras, and to compare this with the working of our own Courts, in order to judge what results might be expected from the introduction in our Courts of the mode of procedure of the Small Cause Court, and what changes in the system of our Courts might become advisable in the prospect of such results. This has led the Judges to propose a more thorough re-organization of our Courts than they had contemplated when addressing the Government on the 31st March.

4. The returns of our Courts, which the Judges have looked into, are for five years, from 1852 to 1856. Those for 1857 have not yet been put forth. The returns of the Small Cause Court which they have referred to are for four years from 1854 to 1857. They have not had at hand the returns of this Court for 1852 and 1853, so that the comparison between the two systems cannot be made for precisely the same period of years. They believe, however, that this will not prove matter of any importance to the comparison to be instituted.

5. The tribunals of the Village Moonsiffs and the Village and District Punchayets have only occasional and not continuous employment; neither do the returns disclose the number of these tribunals. It is not possible therefore to take their operations into account in instituting the comparison in question. Neither can the operations of the Sudr Ameens, the Principal Sudr Ameens, and the European tribunals enter into the account, as these functionaries are not employed exclusively upon Civil Suits, as is the Small Cause Court, but have also Criminal jurisdiction. The comparison must thus be confined to the work of District Moonsiffs on the side of our Courts. The result obtained is as follows:—

I.

Operations of the District Moonsiffs.

Year.	Number of District Moonsiffs.	Suits decided on the merits.	Suits disposed of by Rauzee, dismissed for default, or withdrawn.	Pending above a year.	Total pending.
1852	106	21,438	35,603	6,233	34,122
1853	129	22,630	38,173	6,428	42,637
1854	127	29,075	50,072	10,094	51,101
1855	128	36,028	53,914	9,148	47,658
1856	127	39,036	59,071	6,715	45,388
Average.	123	29,641	47,366	7,723	44,181

II.

Operations of the Small Cause Court.

Year.	Number of Judges.	Suits decided on the merits.	Suits disposed of by non-suit, dismissal, or compromise.	Pending.	Number of days of sitting of Court.
1854	3	12,211	13,403	25	294
1855	3	12,493	12,645	33	292
1856	3	11,494	10,445	46	289
1857	3	8,626	7,861	59	279
Average.	3	11,206	11,088	41	288

6. It will be observed how vast is the disproportion of work executed by these two classes of functionaries. The District Moonsiff on an average gives 241 Decrees per annum, and the Judge of the Small Cause Court 3,735; or the one less than one Decree per working day, and the other thirteen Decrees. It will be observed also that there is a vast difference between the two tribunals in suits remaining undisposed of at the end of the year. The District Moonsiff leaves an arrear pending of, on an average 359 suits, or the work of a year and a half if all came to be decreed, and the Small Cause Judge one of less than 14, or about a day's work.

7. The paucity of the decisions given by the District Moonsiffs is not to be attributed to indolence on their part. The Courts above them are continually stimulating them to exertion, and their time, the Judges feel assured, is fully occupied. So pressed indeed have they been with arrears, that it has been necessary to increase their number. In 1852, it will be seen, there were 106, and in 1856, 127. It is to the difference in the system of procedure obtaining in the Courts of the District Moonsiffs and in the Small Cause Court, that the difference in the results obtained, is owing. The one is a lengthy, complex, and most laborious system, and the other in all respects the reverse. It would then be a great advantage towards the expeditious disposal of suits to resort to the mode of procedure,—tried, known, and approved of in England, as well as India,—of the Small Cause Court.

8. The object of the system prevailing in our Courts is the securing a complete record of each case decided. The pleas, the evidence, and the judgment, are all recorded in extenso. A system of procedure is established that brings the cause frequently before the Judge ere he can finally dispose of it. He is responsible for the pertinence of the pleadings, and the punctuality with which they are to be put in; he has to attend to and dispose of preliminary objections ere he can proceed to trial; he has then to ascertain the points in issue, and lay these down; he has to judge of the documents and witnesses tendered and to admit none irrelevant to these points; as each question is put to a witness and the answer obtained from him, he has to wait till these are taken down in writing ere he can put a further question, his mind being thus kept on the stretch should he, as he is bound to do, attend himself to the examination of the witness. The process being so tedious the hearing may occupy more days than one, or something may occur to throw the case back, as the absence of a witness, or the death of a party, &c. The Judge has then to refresh himself in the case when again taken up. Lastly, he has to draw up his Decree, conveying an abstract of the pleadings, a statement of the documentary evidence put in, and the grounds of the decision.

9. The process in the Small Cause Court may now be described, contrastedly.

10. The Judge has no concern with the cause till it is brought before him for hearing and decision. The plaintiff addresses himself to the proper officer of the Court, who ascertains from him the nature of his demand, and issues a summons to the defendant, describing it shortly, and

requiring him to appear and answer thereto on a given day. The necessary processes for securing at the same time the attendance of witnesses, where parties cannot bring them in themselves, are in the like way issued. The parties then appear, and are heard orally in the shortest form possible, and their documents are received, and witnesses examined, and decision is then given. There is no record of the said examination of the witnesses, save the Judge's notes, taken down nearly with as much celerity as the witness speaks, and the decision is given verbally, note being made merely of the nature of the decision. The Small Cause Judge may thus dispose of a case in half an hour, or less, while it would occupy the attention of the District Moonsiff for days.

11. The duration of a suit in the Small Cause Court is thus for the few days intervening between the issue of summons and the hearing of the suit, while in the Moonsiff's Courts the average duration is seven months and twenty days;* and if the duration in appeal be added, the total average duration of the suit will be one year, eleven months, and three days. The suit is still open to Special Appeal, and therefore, even after this great delay, cannot be said to have been brought to a termination.

12. The object of the minute and comprehensive record of the proceedings taken before the District Moonsiff, is the facilitating the review thereof upon appeal. It is an expedient adopted to check the procedure and judgment of a distrusted judicatory. In lieu of a numerous, underpaid, and ill-trusted body of Judges, working slowly and laboriously because of the system of record established to keep them in check, and imposing, because so distrusted, the serious labor of a thorough revision by their superiors, it would obviously be of advantage to establish Courts that can be confided in, few in number, and presided over by well paid functionaries, working expeditiously, because left to dispose of their business in a manner referrible to their own satisfaction, without having at each step of their progress to record all that they do, for the possible satisfaction of another and superior tribunal.

13. These remarks are intended to be confined to the class of Courts now under consideration, namely, those of the District Moonsiffs, before whom the bulk of the litigation of the country is brought. The District Moonsiff, the Judges are well aware, do not command the confidence of the people either in point of integrity or efficiency. The major part of them receive but Rupees 100 a month, and none more than Rupees 200. Situated in isolated positions, without the check of a respectable bar or of public opinion, and drawn from a race addicted to the purchase of favor by bribery, it is not to be wondered at, that corruption should prevail among them. The safeguard afforded by the required record of their proceedings, is after all but a poor check upon them. The examinations, through the pliancy of the still lower paid Gomashtah, who takes them down, may be shaped to suit the judgment to be given, or, as something is to be said on either side of every case, the Moonsiff may find support for any judgment he may please to give, without entering into league with his Gomashtah.

14. Corruption has also channels opened for it in the lengthy system of our procedure, and this is true, not of the Moonsiffs' Courts only but of all our tribunals. The Gomashtah recording the examinations may be induced, as above hinted, to shape them to a purpose, and the tedious, complicated, and oft-recurring processes obtaining, afford many opportunities to the ministerial servants to retard or advance a cause according as their services may have been paid for. The time that elapses between the plaint and the decree enables them also to persuade parties that they can influence the Judgment to be given. When however, as in the Small Cause Court, it may become understood that the Judge has no knowledge of a case until it is brought before him for decision, and the examination is promptly held and Decree pronounced, all in the course of a small fraction of a day, the inducement to purchase services on the part of the ministerial establishment, which it is evident can never be rendered, ceases, and this source of corruption, at all events, is shut up.

15. A further reason for advocating a system that allows of the speedy disposal of suits, in lieu of the existing cumbrous method, is the progressive increase of litigation which calls for a proportionate increase of the Courts. It has been noticed, that within the last few years, the

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* The average duration of Original Suits in the remaining Courts is one year, four months, and four days

number of the District Moonsiffs, owing to this cause, has risen from 106 to 127.* The subjoined table will show what the rate of the increase of litigation has been, leading the Judges to anticipate a still further similar advance.

III.

Table for all the Courts.

Year.	Original Suits instituted.	Appeal Suits instituted.	Total.
1852	89,545	3,642	93,187
1853	1,07,002	3,367	1,10,369
1854	1,10,475	3,470	1,13,945
1855	1,05,577	4,200	1,09,777
1856	1,21,564	5,632	1,27,196

16. Thus the litigation of 1856, stands at more than one-third above that of 1852. The subjecting the Courts to be over-burthened with work, which is their present condition, certainly does not improve their efficiency; and in the progress of time, additional and serious expense in the increase of the establishment, under the present system of procedure, will be inevitable.

17. The Judges will now describe the scheme of Courts they think it desirable to establish.

Civil Jurisdiction.

Taking the average number of decrees passed by the District Moonsiffs at 29,641 annually, as appearing by table No. 1, and assuming the cases to be of the same description as those disposed of in the Small Cause Court, and equal facilities to exist for the attendance of parties and witnesses, eight Judges, working as those of the Small Cause Court, would suffice to dispose thereof. Eight, however, would be obviously an insufficient number of tribunals to provide for the large extent of ground covered by the District Moonsiffs, and the heavier class of suits coming before them; being at the rate of only one for three Zillahs. The new Courts should not certainly be fewer than one for each Zillah.

18. The public would be greatly inconvenienced if these Courts were stationary, and every petty case from the remotest parts of the Zillah had to be brought to the central station for adjudication. The Judges would therefore make these Zillah Courts, Courts of Circuit, and still farther to bring justice in petty cases near to the abodes of the litigants, they would call in the aid of Punchayets.

19. The Punchayet system is one which belongs to the institutions of the country; it is well suited to the people, and its value can be understood and appreciated by them. The Judges think it also eminently calculated, within certain limits, to promote the dispensation of justice. Its members are changeable, and the parties have a voice in nominating them, and such a tribunal should command far greater confidence than the Court of a low paid, fixed, and it may be corrupt Judge. As a part, however, of our judicial system, the Punchayet has certainly proved inoperative. The returns no doubt are far from complete; but as they show that on an average the Village and District Punchayets together, have given but thirteen decrees per annum, it may be safely said that the system in our hands has not worked. The Judges think this is owing to two circumstances; first, that the parties on both sides must concur in submitting their case to a Punchayet, concord on any subject between those in a state of litigation, being of course rare; and secondly, the opening given to them to take their cases elsewhere, and which, being in discord, they naturally do. The Judges would therefore not leave the assemblage of a Punchayet to the option of the parties.

(1) *Village Punchayets.*

20. These, the Judges would propose, should be composed of three members; one to be

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* Now reduced to 125.

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named by the plaintiff, another by the defendant, and the third chosen by the two first members. If these cannot agree in such choice, the selection to be made by the Village Moonsiff. The members to be remunerated by an *ad valorem* fee to be divided among them, say at a rate not exceeding one Anna per Rupee in litigation. The Punchayet should be called together by the Village Moonsiff, and their decrees executed by him. The Judges would have all suits for movable property not exceeding Rs. 20 in value, to fall under the jurisdiction of these Punchayets; and their decrees therein, to be final. They at first contemplated the allowance of an appeal to the Zillah Court, on the ground of corruption or partiality, but, on reflection, are of opinion that the possible advantage, of detecting and defeating such influences in a few cases, would be more than counterbalanced by the infraction of the principle of finality, the temptation to Appeal, the dislike to the duty which might be produced by exposure to such imputations from any angry loser, and the additional labor which, with very dubious prospects of advantage, would be thrown upon the Zillah Courts. It must be remembered, also, that the very constitution of the Punchayets renders the presence of corruption improbable; and that, should it exist, its ill effects will be limited, the tribunals being ephemeral and created solely for the purpose of deciding a single case.

21. The following table will show the amount of suits that would devolve on these Punchayets.

IV.

Suits for movable property in value not exceeding Rupees 20.

Average filed by Village Moonsiffs..	14,229
Average disposed of by District Moonsiffs, less one-tenth allowed for suits for immovable property...	39,315
	53,544

22. The returns made use of in the above table as respects suits not exceeding Rupees 20 in value coming before the District Moonsiffs, are for the years 1856 and 1857, there being none other available. The above amount of litigation will fall light upon the several Village Moonsiffs, as they amount in number to 37,284; whereby there would be a proportion of about one suit and three-sevenths to each Village Punchayet per annum.

(2) *Zillah Courts.*

23. The Zillah Courts, the Judges would have composed of one European and two Native or East Indian Judges; the judgment of the European Judge in all cases to prevail. Where one of the Judges from temporary cause might be unable to attend, the remaining two Judges should be allowed to exercise the powers of the Court; provided, that when these should be both Native Judges, their disposal of a case should be subject to the consent of the parties. When thus acting together, the judgment of the Senior Native Judge should prevail.

24. The jurisdiction of the Zillah Courts should embrace all suits up to the value of Rupees 1,000, saving those for moveable property to the value of Rs. 20, reserved for the jurisdiction of the Village Punchayets.

25. The Judges think that the composition of a Court thus consisting of European and Native elements combined, would secure great value to the operations of the tribunal, and command public confidence. Native intelligence and knowledge would be brought into union with the more solid attributes of the European character, and a link of sympathy and mutual comprehension, would be established between the tribunal and the people.

26. Still, further to make use of the Native element, as well as to facilitate and expedite the operations of the Courts, the Judges would allow the Zillah Courts, at discretion, to call in the assistance of Punchayets. These might be employed in the examination of complicated accounts, the settlement of boundaries and disputed questions of occupancy and of water rights, the declaration of customs and privileges, and generally the ascertaining of any fact or matter connected with a suit which it might be thought proper to refer to them. These Punchayets should be composed of any number of members that might be considered desirable, and be selected by the Court, the parties having liberty to object to any particular person selected. The members should be remunerated as in the case of the Village Punchayets. Their judgment in

any matter referred to them to be accepted, modified, or rejected, or the matter to be remanded to them for re-consideration, or referred to a fresh Punchayet, according as the Court might see fit to determine.

27. The Judges think that Native assistance in the disposal of suits, thus regulated and limited, might be largely used, with advantage to the interests of justice, and to the satisfaction of the people. False evidence would not succeed, and would scarcely be offered, when submitted to the chief persons of the locality to whom the circumstances of the parties, and often in great measure those of the case itself, would be well known; and assuredly the professional witnesses, who now so much abound, would find little place for their operations. It would be in fact to revert to the ancient and national mode of distributing justice, with the safeguard that the agency would be brought under the check of a judicial tribunal, in lieu of being placed in the hands of a careless, ignorant, and arbitrary ruler.

28. The Zillah Courts, as has before been observed, should perform circuits. They should do so twice in the year, visiting the present stations of the District Moonsiffs, where they might be accommodated either in the buildings used for the Moonsiffs' Courts, or in tents, as the Collectors are provided for, in their circuits. The people should be allowed to have access to them from any part of the Zillah, as most convenient to themselves, without sub-division of the Zillah into sections of jurisdiction at the period of the circuits, and the Court should be at work continuously whether at the circuit stations, or at the head station of the Zillah. The attendance of parties and their witnesses could be secured by a Goomashtah being sent on in advance to issue the necessary summonses for the purpose.

29. There are now, inclusive of the districts of the Government Agents, twenty-three Zillahs, but it would be advisable to divide Combaconum on account of the weight of the work there into two Zillahs, making the total number twenty-four.

30. The Judges do not think that these Courts should be left so absolutely without the check of appeal, as are the Small Couse Courts. At the same time, they are of opinion that with Courts composed as above recommended the present system of appeals will not be necessary. They would subject the decisions of these Courts to but one appeal, and that only on special grounds.

31. It is obvious that to admit of such appeals being heard, *some* record of the trial in the Court of original jurisdiction must be kept. The Judges would make this, however, as succinct as possible. The decree should be drawn up in writing, and embrace in the shortest possible form a statement of the demand, the nature of the defence, and the grounds of decision: where there was a dissenting judgment, that should be added. The documents received should be filed, and the notes of the evidence taken by the European Judge should form the record of the examination of the witnesses. These should be fair copied, and signed by the said Judge and kept with the record.

32. The Judges may here observe that they consider such notes ought to be a far more faithful exhibition of the evidence given, than the depositions in extenso now recorded, these being commonly taken down by a Gomashtah without the cognizance of the Judge, who has a knowledge thereof only when read over to him, as to the witness, at the close of the examination.

33. The following table will show the amount of suits that would probably fall to the Zillah Courts:—

V.

Suits in value up to Rupees 1,000.

Average instituted before District Moonsiffs,..................	77,035
Do. disposed of by Sudr Ameens,..................	6,269
Do. by Subordinate Judges and Principal Sudr Ameens, less two-thirds allowed for as being appeals,..................	1,275
	84,579
Deduct the proportion falling to Village Punchayets, as per table IV,..................	39,315
Average balance falling to the Zillah Courts..................	45,264

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34. The returns do not show the value of suits instituted, but of those disposed of. The suits not exceeding Rs. 1,000 in value, disposed of by the Civil Judges, are not taken into account, as these are chiefly, if not wholly, Appeals.

35. On the above 45,264 suits, at the rate of four suits disposed of by decree for seven otherwise disposed of, there would arise 16,460 decrees, or 685 decrees per annum per Zillah. Taking the working days at 249,* in the year, this would give somewhat less than two and four-fifths decrees per day per Zillah.

36. Of these suits seven-eighths would be for immovable property.

37. The Judges would have over the Zillah Court six appellate, or Provincial Courts, being one for every four Zillahs.

38. The following table will show how this division of the Zillah may be made, with reference to geographical extent and litigation therein

VI.

Zillahs.	Average number of suits instituted.	Population.	Square miles.	Circuit.
I				
Rajahmundry..................	3,595	10,12,036	6,050	592 miles, occupying at 12 miles a day, 49 days.
*Vizagapatam..................	2,358	12,54,272	7,650	
Chicacole..................	2,402	21,81,202	14,050	
Ganjam..................	829	9,26,930	6,400	
Total...	9,184	53,74,440	34,150	,,
II				
Masulipatam..................	2,276	5,20,860	5,000	728 miles, occupying 60 days.
Guntoor..................	3,329	5,70,083	4,960	
*Kurnool..................	513	2,73,190	2,643	
Bellary..................	4,215	12,29,599	13,056	
Total...	10,333	25,93,732	25,659	,,
III				
Nellore..................	3,645	9,35,690	7,930	491 miles, occupying 41 days.
Cuddapah..................	7,292	14,51,921	12,970	
*Chittoor..................	4,708	14,85,873	5,790	
Chingleput..................	2,350	5,83,462	2,993	
Total...	17,995	44,56,946	29,683	,,
IV				
Cuddalore..................	5,125	10,06,005	7,600	473 miles, occupying 39 days.
*Salem..................	6,269	11 95,377	8,200	
Coimbatore..................	4,999	11,53,862	8,280	
Trichinopoly..................	5,553	7,09,196	3,243	
Total...	21,946	40,64,440	27,323	,,
V				
Combaconum..................	14,002	16,76,086	3,900	458 miles, occupying 38 days.
*Madura..................	5,868	17,56,791	10,700	
Tinnevelly..................	3,128	12,69,216	5,700	
Total...	22,998	47.02,093	20,300	,,
VI				
Honore..................	5,256	10,56,333	7,720	514 miles, occupying 43 days.
Mangalore..................	5,730			
*Tellicherry..................	3,961	15,14,909	6,602	
Calicut..................	9,422			
Total...	24,369	25,71,242	14,322	,,

* The stations marked are the central ones where the Provincial Courts might be located.

	Days.
* Average time for two circuits,..................	36
Sundays..................	52
Festivals,..................	28
	116
Working days,..................	249
	365

Adjournments are not allowed for as the time occupied in travelling upon circuit will give a sufficient relief from business.

(3) Provincial Courts.

39. The Judges would have the Provincial Courts, composed of three Judges, one to go on circuit for Criminal trials, and two to be also on circuit for disposal of Civil business. The Civil circuits should be held twice a year at the Zillah stations. The necessary processes to have the parties in attendance before the Court at each station, might be issued by the Zillah Courts. On difference of judgment arising between the two Judges sitting upon civil business, that of the senior Judge to prevail, unless the third Judge might be at hand to be called in. Where from temporary cause, but one of the Judges could sit upon civil business, the powers of the Court to vest in such Judge; provided, that where the parties were not content that he should pass decision singly, he might submit his proceedings to another Judge, and take his opinion thereon. Punchayets to be made use of for subsidiary examinations as by the Zillah Courts. The jurisdiction of the Court to embrace suits in value above Rs. 1,000 and appeals on special grounds, as before intimated, from the decisions of the Zillah Courts.

40. These grounds should be as follows :—

- i. Both the Native Judges dissenting from the judgment of the European Judge.
- ii. The Original Decree being ambiguous, or failing to determine any material point.
- iii. The Decree being contrary to law or usage.
- iv. The facts established and forming ground of the judgment, being insufficient to warrant such judgment.
- v. Misconstruction of any material document.
- vi. Refusal of material evidence in the Court below.
- vii. Error or defect in procedure, calculated to influence the decision of the case.

41. The Judges would attach to each Provincial Court a Registrar, being a Covenanted servant, not so much as being needed for the conduct of the business of the Court, as to provide a means of training up young Officers in the knowledge of judicial duties; a want not provided for in the existing system. The Registrar should attend the sittings of the Court, and be employed in any subsidiary duties of the Court, or of its office, that might be conveniently entrusted to him.

42. For the disposal of Original Suits by the Provincial Court, the Judges would have the same course of procedure as provided for the Zillah Courts, saving that the plaint and answer should be put in, in writing. They would admit no further written pleadings.

43. For Appeals lodged against decrees by the Zillah Courts, the Judges would have no other written pleading than a brief appeal by the appellant, setting fourth to what extent he is dissatisfied with, and injured by, the Original Decree. These appeals should be disposed of at one hearing, and not necessitate two hearings, as do Special Appeals under the present system; namely, one to decide whether the appeal shall be admitted, and the other to pass judgment on the admitted appeal.

44. The rules under which the appeals are to be received, are intended only to guard against material and plainly apparent error, and to prevent gross injustice. The parties should not be at liberty to call in question the judgment of the Zillah Court on the veracity of the evidence, or to challenge any presumption fairly arising from the evidence, or the circumstances of the case, save when the appeal is grounded on difference of opinion on the evidence, as provided for in rule i.

45. Whenever it may appear that a decree appealed from, may be cleared of ambiguity, or defect, by an explanation made by the Court that passed it, such explanation should be called for before judgment on the appeal is given.

46. The Appellate Court should be at liberty to receive further evidence, where it might appear that such could not have been put in in the Court below, or from manifest ignorance or misapprehension was not put in, or was improperly refused by the Court below. They might do so either directly, or through the intervention of the Zillah Court. In no case should there be a remand.

47. If the appellant should fail to show ground for interference with the Original Decree, his appeal might be struck off with the simple word written thereon, 'rejected.'

48. Where an original decree might be interfered with by the Appellate Court, the decree of the Appellate Court need notice only such point or points in regard to which alteration of the original decree may be decided on; the points taken in appeal, and on which the original decree is left unaltered, not being noticed.

49. The following table gives the nearest approximation the Judges have been able to obtain from the returns, of the suits that will fall to the Provincial Courts.

VII.

Suits above Rupees 1,000 *in value.*

Average disposed of by Sudder Ameens	304
Do. do. by Subordinate Judges, &c	260
Do. do. by Civil Judges, &c., from Rupees 1,000 to 10,000 allowing for two-thirds as being appeals	50
Average disposed of by Civil Judges from Rupees 10,000 and upwards.	33
Total Original Suits	647
Appeals from decrees by Zillah Courts (16,460), at one per six decrees.	2,743
	3,390

50. The average of appeals now received from decrees by the District Moonsiffs is about one to five and three-quarter decrees : when appeals are only admissible on special grounds, the rate will be lowered, probably considerably below the sum above set down.

51. By the returns of suits disposed of by the Sudder Ameens, and the officer superior to them, it appears that the proportion of original suits disposed of by decree and otherwise, is as four to five, and of appeal suits as ten to one. This would give 288 decrees in original suits, and 2,490 in appeals; total 2,778 decrees to be expected of the Provincial Courts; or 463 decrees per Court per annum, or about 2¼ per working day.

	Days.
Average for two circuits.	90
Sundays	52
Festivals	23
	165
Working days	200
	365

52. Appeals should lie to the Sudder Udalut, against decrees in original suits by the Provincial Courts on special grounds, as proposed in the instances of appeals to the Provincial Courts from decrees by the Zillahs Courts, and should be disposed of in the same manner. The only variation of rule to be noticed is, that under Rule No. 1, the difference of judgment admitting of an appeal would be where the case had come before but two Judges of the Provincial Court, and these had differed in judgment.

53 The proportion of appeals to decrees as taken from the returns of the subordinate and Civil Courts, is one appeal to every three decrees. At this rate there would come 215 appeals annually before the Sudder Udalut, from the original decrees passed by the Provincial Courts, or about five per working week.

54. It is owing, as it will be observed, to the economy in point of number of Courts, which the system now advocated admits of, that the higher efficiency of the Courts, in being all composed of a plurality of Judges, can be secured; and it is the facile method of procedure recommended that permits of this economy of Courts. This method of procedure throughout England, and in the Presidency towns of India, has been found applicable to suits for movable property to the value of £50, or 500 Rupees. It does not appear to the Judges why it may not be equally applicable to suits for immovable property. If evidence documentary and oral can be received, and judged of under the said method in one class of cases, it can be equally so in the other. The only difference will be that in the latter class of cases more complex evidence, involving longer time for its reception and consideration, will occur. If this be conceded, in point of value in litigation, but a very small proportion of the suits in this Presidency exceed the limit of jurisdiction of the County and Small Cause Courts, as the following table will show :—

VIII.

Average suits not above Rupees 20 in value	45,264
Do. do. not above Rupees 500 in do	52,614
Suits in value within the jurisdiction of the Small Cause Courts	97.878

Average suits for value from Rupees 500 to 1,000	930
Do. do. for value above Rupees 1,000	647
Suits in value beyond the jurisdiction of the Small Cause Courts...	1,577

55. It would be invidious to legislate specially for the small proportion of suits of the higher value, nor is it apparent why if justice can be satisfactorily administered in suits for Rupees 500 under a particular method, the same method may not be successful in suits of higher valuation. The Judges therefore see no hinderance to the introduction of the method of procedure of the Small Cause Courts, universally throughout the Presidency, especially when aided, as they have proposed, by the employment in complicated cases of Punchayets; and they are persuaded that it is one well suited to the circumstances of the people.

Criminal Jurisdiction.

56. As regards all criminal trials, the Judges would have the same system of examination of witnesses as recommended in the trial of civil suits, that is, the European Judge's notes of the evidence (copied out fair and signed by the Judge), should form the sole record of the examination.

57. They would allot to the Zillah Courts, composed as before suggested of a European and two Native Judges, and these holding circuits twice a year, all cases now cognizable by the Criminal Courts. When not on circuit the cases would have to be sent to the Court at the Zillah station. The Judges would not reserve to be tried by the Magistracy any portion of these cases, as at present obtaining under the power granted to them by Section LIV, Act VII of 1843. There would thus be on an average 4,329 cases brought before the Zillah Courts; or 180 per Court per annum, or three-fourths of a case per working day. Appeals from decisions in conviction of the accused by the Police should lie to the Magistrate, whose judgment thereon should be final. Appeals from original decisions in conviction of the accused given by the Magistracy should lie to the Zillah Courts, and their judgment thereon should be final. As in respect of Civil Suits, where the European Judge might differ from one or both of the Native Judges. I would have his judgment to prevail.

58. To the Provincial Judge on circuit for the trial of criminal cases, the Judges would assign those cases which are now committable to the Session Court, two Native or East Indian Assessors being joined with him on the trials. The opinion of the Provincial Judge should prevail over those of the Assessors. The commitments they would have made direct to the Provincial Judge by the Magistracy or Police without the intervention of the Zillah Court. The circuits might be three in the year. This would leave on an average about 160 working days per annum. The cases to come before the Provincial Judges would be on an average 1,213 per annum; or 202 per annum per Judge; or one-quarter per Judge per working day. The Judges would also allow appeals to lie to the Provincial Judges from decisions in conviction of the accused passed by the Zillah Courts where both the Native Judges might have differed in judgment from the European Judge. The accused to be informed of such liberty of appeal. In no other cases however should appeals be admissible. At the same time they would have the criminal returns reviewed by the said Provincial Judge, and liberty allowed him to set aside judgments, which, on the face thereof might be illegal, and to reduce sentences appearing excessive.

59. All cases of murder, wherein the Provincial Judge might convict the accused, should be referred to the Foujdaree Udalut, who on view of the notes of evidence taken by the Judge, and his opinion upon the case, should pass judgment. The Foujdaree Udalut should also receive appeals from sentences of conviction passed by the Provincial Judge where both his assessors may have dissented from his opinion. The accused to be informed of such liberty of appeal. The Foujdaree Udalut should furthermore review the sentences of the Provincial Judges in the same manner that these are to review those of the Zillah Judges.

60. The labor of adjudicating on Civil and Criminal cases, will hence fall thus:—

61. To the Village Punchayets at the rate of about one suit and three-sevenths per annum.

62. To the Zillah Courts at the rate of $2\frac{4}{5}$ Civil decisions, and $\frac{3}{4}$ of a Criminal case, per day; or about $3\frac{1}{2}$ decisions per day.

63. To the Provincial Courts at the rate of $2\frac{1}{4}$ Civil decisions per day. And to the Provincial Judge on Criminal duty $1\frac{1}{4}$ Criminal case per day.

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64. The Small Cause Judges, it has been observed, decide thirteen cases each per day. The labor of the new Courts will thus be light, and they may furthermore be helped out to any extent by means of Punchayets. These Courts will therefore be competent to meet a considerable accession of litigation, which it has been shown, is progressively on the increase.

Expenditure.

65. It now only remains to examine the proposed arrangements in a financial point of view.

66. There are at present employed for judicial administration 33 European Judges and 162 Native; total 195, *viz.*

21	Civil and Session Judges.
2	Government Agents.
10	Subordinate Judges.
33	European Judges.
15	Principal Sudder Ameens.
20	Moofty Sudder Ameens.
2	Sudder Ameens.
125	District Moonsiffs.
162	Native Judges.

67. These constitute as many Courts, each officer presiding in one.

68. The proposed establishment would consist of 42 European Judges, namely 18 Provincial and 24 Zillah Judges, and 48 Native Judges; total 90. These would form in all but thirty Courts.

69. The pay of the present establishment per mensem is as follows:

					Rs.	A.	P.
20	Civil and Session Judges (at 2,333-5-4)				46,666	10	8
1	Do.	do.		(Kurnool)	2,000	0	0
10	Subordinate Judges (at 1,400 Rupees)				14,000	0	0
15	Principal Sudder Ameens (at 500 Rupees)				7,500	0	0
20	Moofty Sudder Ameens (at 200 Rupees)				4,000	0	0
2	Sudder Ameens (at 200 Rupees)				400	0	0
12	First Class District Moonsiffs (at 200 Rupees)				2,400	0	0
33	Second	do.	do.	(at 150 Rupees)	4,950	0	0
78	Third	do.	do.	(at 100 Rupees)	7,800	0	0
1	Fourth	do.	do.		90	0	0
1	do.	do.	do.		30	0	0
					89,836	10	8

70. The pay and allowances the Judges would allot to the proposed establishment are as follows:—

18 Provincial Judges (at 2,400 Rupees)	43,200	0	0
24 European Zillah Judges (at 1,600 Rupees)	38,400	0	0
Tent allowance of the above 42 Judges (at $87\frac{1}{2}$ Rupees) being the rate allowed to Collectors and Sub-Collectors	3,675	0	0
Travelling allowance for do. at Rupees $5\frac{1}{2}$ per day, say for 20 days per mensem	4,410	0	0
6 Provincial Registrars (at 700 Rupees)	4,200	0	0
Tent allowance of the above at Rupees $87\frac{1}{2}$, being the rate allowed to Head Assistants	525	0	0
Travelling allowance for do. at Rupees $2\frac{1}{2}$ per day, say for 20 days per mensem	300	0	0
48 Native Zillah Judges (at Rupees 350)	16,800	0	0
Tent allowance for do. at Rupees 40	1,920	0	0
Travelling allowance for do. at Rupees $2\frac{1}{2}$ per day, say for 20 days per mensem	2,400	0	0
	1,15,830	0	0

71. The difference between the monthly costs of the two establishments would so far be Rs. 25,993-5-4 against the new establishment. It has to be observed however, in the cost of the existing establishment, the salaries of the Government Agents at Vizagapatam and Ganjam, have not been taken into account, these officers having revenue functions as well as judicial.

72. The cost of the ministerial establishments of the existing Courts is as follows:—

	Rs.	A.	P.
That of the Civil and Session Judges...	14,564	4	0
——Government Agents...	2,113	0	0
——Sub-Judges.	6,087	0	0
——Principal Sudr Ameens.	5,669	0	0
——Moofty Sudr Ameens...	280	8	0
——1st Class District Moonsiffs.	840	0	0
——2nd do. do...	2,310	0	0
——3rd do. do.	4,660	8	0
——4th do. do...	70	0	0
	36,594	4	0

73. The ministerial establishments of the proposed Courts would be on a far lower footing, under the system of procedure recommended for them, as thereby the present voluminous method of record will be done away with. It is difficult to decide what establishments would be required for these Courts, but the following may be suggested,—

For the Provincial Courts, Civil Department.

	Rs.
Head Clerk...	70
Nazir...	45
Record keeper.	35
Shroff...	20
2 Goomashtahs.	40
Government Pleader...	35
Duffadar...	10
6 Peons in attendance on two Judges....	36
10 do. for Court purposes..	60
Sweeper...	4
	355

For the Provincial Judges on Criminal duty

Head Clerk...	50
Second do.	30
1 Goomashtah.	20
Duffadar..	10
9 Peons.	54
Sweeper...	4
	168

For the Zillah Courts.

Head Clerk	60
Second do ...	30
Nazir.	45
Record-keeper...	30
Shrooff...	20
4 Goomashtahs...	80
Government Pleader	30
Duffadar ...	10
7 Peons for the Judges...	42
10 do. for Court purposes ...	60
Sweeper	4
	411

74. There would thus be a cost for the establishments of

	Rs.
6 Provincial Courts, Civil Department of	2,130
6 do. do. Criminal do...	1,008
24 Zillah Courts...	9,864
	13,002

75. To this something has to be added for travelling allowances, bringing up the sum to say Rs. 14,000.

76. The Saderward expenses of the existing Courts amount to Rs. 2,437-6-6. Those of the proposed Courts would be much less, and might be covered by Rs. 500.

77. The total accounts would then stand thus:—

	Rs.	A.	P.
Salaries of existing judicial officers....	89,836	10	8
Establishments of do.	36,594	4	0
Saderward....	2,437	6	0
	1,28,868	4	8
Salaries and allowances of proposed judicial officers...	1,15,830	0	0
Establishment of officers....	14,000	0	0
Saderward....	500	0	0
	1,30,330	0	0

78. The difference of cost between the two systems would therefore, according to the above estimate, be about Rs. 1,462 a month, or Rs. 17,544 a year, against the proposed establishment, an amount of difference so small that the new establishment may be said to be likely to entail much about the same charge as the existing one; while as the new establishment would suffice to meet the growing litigation of the country, prospectively it would prove the most economical.

General Results.

79. In point of efficiency, and the command of public confidence, the advantage of the proposed over the existing systems of judicatories would be incomparably great.

80. In the existing Courts the chief agency is that of Native Judges mostly receiving low rates of pay. These certainly have not the confidence of the country. Each Court is provided with but a single presiding officer, to whose individual capacities the business of the Court is committed. The Native Courts are mostly isolated in position, and the appellate tribunals are fixed in position, and ignorant of much of what passes around them, and their range of observation is limited to a single Zillah. There is no training provided for the European Judge, who steps upon the bench, raw and ignorant of judicial duties, and having to learn these, experimentally, at the cost of the suitors. The Appellate Courts are not constituted so as to give weight or uniformity to their judgments, and over them, consequently, is arranged a further plan of appeal. The whole system is in fact characterized by expedients, providing check over check, in order to meet the primary defect of constitution of the Courts. To afford this power of check a method of procedure is established of the most cumbrous description. It involves great expenses and delays to suitors, and very heavy and unnecessary labor to the tribunals. It also calls for the multiplying of the Courts and their establishments; and these, hampered and overburthened with their work, are becoming insufficient to meet the growing litigation of the country. Lastly, the vast establishments of Native Ministerial Officers kept up, most of them, namely, those attached to the District

Moonsiffs, receiving no more than from 5 to 8 Rupees a month, are productive of much evil; for, taking advantage of the delays and intricacies of litigation induced by the present system of procedure, these, there can be little doubt, use their opportunities and prey upon the suitors, and through them, if from no other causes, the whole operations of our Courts are brought into disrepute.

81. As opposed to all this, under the new scheme of Courts recommended, there would be no Court without a European Judge presiding therein. In each Court there would be a plurality of Judges, acting together for mutual aid and correction. Native information and intelligence would be brought into combination with the qualities that characterize the European mind. In the use of Punchayets the Native element would come into more extensive and more important operation than under the present system, and without the existing concomitant of corrupt practices. Each Court, in its circuits, would become intimate with the people and places within its jurisdiction. The European Judge would receive his training for the bench as Registrar, acting in that capacity under the eyes of experienced Judges. The lower grade of European Judges, namely, those in the Zillahs, would have the more detailed experience of their narrower circuits, made under the advantage of co-operation with the Native Judges, from whom much might be derived of local and national information; and then rising to the appellate bench, they would be exercised over a wider range of circuit, and come into contact with brother Judges, each bringing with him his individual knowledge and experience, similarly gained in some other locality. This continual progress throughout the land, of European functionaries, would have the best effect also upon the native mind, as would the use to be made of the people, by means of the Punchayets, for the adjustment by themselves of a large portion of their disputes. The Courts being constituted in a manner to induce confidence in their operations, the checks over them would be limited to meet extreme cases only, and a system of procedure may be established marked by simplicity and promptitude of action. They would also have expansive energy to cope with litigation as it increases. The large native establishments of low paid officials would cease to exist; the delays and expenses of litigation would be much reduced; and the existing openings for corruption would to a great extent, if not totally, disappear.

Mins. of Cons. of 3rd June 1858. Bengal schemes.

82. In the general schemes of jurisdiction proposed by Mr. Harington and the Lieutenant Governor of Bengal, the Judges see no improvement over that which at present obtains. They consist of Petty Courts of first instance, with an appeal and special appeal over their decisions; of superior Courts, one for each Zillah, having higher original jurisdiction and sitting in appeal over the petty Courts, their decisions likewise being subject to appeal and special appeal; and of Provincial Courts over these, their decisions in like manner to be checked by appeal and special appeal. This is just the course that the litigation of the country has at present to run.

83. In point of constitution of the Courts there is no change proposed as to the petty Courts of first Instance. These are the Courts of the District Moonsiffs, which are to be perpetuated. To preside in the Zillah Courts Mr. Harington would have officers answering to our Principal Sudder Ameens. The Lieutenant Governor would bave the Zillah Courts composed of more Judges than one, one of these to be a Covenanted officer, and another a Lawyer or a Native. This Court would take the place of those of our present Principal Sudder Ameens and Sub Judges. Both Mr. Harington and the Lieutenant Governor advocate Provincial Courts, composed of several Judges, and having jurisdiction over several Zillahs, in lieu of the Civil Judges, one in each Zillah, which we at present have. These to be composed in part of Covenanted, and in part of Uncovenanted officers, or Lawyers.

84. Both schemes admit of the partial employment of Small Cause Courts, namely, at Sudder stations and in large towns. The decisions of these Courts to be without appeal.

85. In both schemes the Judges see recognized in the proposed formation of Small Cause Courts, the advantage of having Courts of primary instance of a character so trustworthy as to be left unchecked by appeal; but yet in both the bulk of the litigation of the country is still proposed to be left to Courts of a character so avowedly untrustworthy, as to require the safeguard of appeal and special appeal as at present obtaining.

86. In these schemes, the Judges do not see security taken, that the Courts so to be left without appeal, shall be of the trustworthy character that would warrant the permitting their

decisions to be absolutely final. The Small Cause Courts are to be presided over by single Judges, who may be Natives. On the other hand, the Judges do not see why that character of trustworthiness should not attach to the Zillah Courts, proposed by the Lieutenant Governor, and the Provincial Courts proposed by both the Lieutenant Governor and Mr. Harington, which are to be composed of a plurality of Judges, Covenanted and Uncovenanted, embracing also professional lawyers, so as to permit their decisions ordinarily to be final, and not subjected to the double ordeal of appeal and special appeal.

87. In both schemes, there is further recognized the advantage of having Courts operating in the provinces consisting of more Judges than one, it being universally allowed that in matters requiring deliberation, such as those submitted to Courts of Justice, two heads are better than one. Still in both schemes the bulk of the litigation is left to be decided in Courts consisting of only single Judges, that is, the petty or District Moonsiff's Courts, and the Small Cause Courts; and in Mr. Harington's scheme also, the Courts analogous to those of the Principal Sudder Ameens.

88. The Judges think therefore, that a system under which there should be no Courts, but such as would embrace all the advantages above recognized, but only partially provided for in the above schemes, namely, Courts consisting of a plurality of Judges acting in combination and aiding each other in their deliberations and judgments, and of a character so calculated to command confidence as to be left without the check of the present system of elaborate and repeated appeal, would be such a one as the legislature are aiming to secure, and such as the country at large would approve.

89. It is obviously felt that the great portion of the litigation must be committed to petty Courts, dispersed over the country, and presided over by a class of low paid native functionaries such as our District Moonsiffs, and that to call for superior materials, with corresponding remuneration, would be to tax the resources of the country, both as to such materials and the consequent outlay, beyond what they could supply or bear. It has not been seen how much, in point of celerity of disposing of work, may be gained by adopting universally the system of procedure of the Small Cause Courts, and that thereby all the judicial business of the country may be met by Courts few in number, which Courts, because thus few, may be organized with regard to their efficiency, unrestrained by considerations of economy.

90. The scheme which the Judges have propounded, realizes throughout its structure the principles they have supposed to be aimed at in the schemes from Bengal forwarded for their opinion, namely, the Courts are to be composed of a plurality of Judges, and are to be of a character to be left without the check of elaborate appeal over their decisions.

91. As respects the incorporation of professional lawyers in our Courts, contemplated in the schemes now in question, and to which Mr. Forbes calls attention, it is assuredly a measure to be adopted in view of advantages to be expected therefrom, and not to be conceded to popular, or interested clamour. The Judges think it a measure fraught with risk, and with doubtful prospect of advantage. The professional lawyer would be one wholly new to the country, to its customs, its people, and their prejudices and characteristics; or his experience at best would have been only gained within the narrow sphere of the Presidency station. The class are therefore, of necessity, but bad Judges of native evidence. They are furthermore naturally wedded to the niceties and technicalities in which they have been bred, but the observance of which can prevail in the Mofussil only to work mischief. Our system is already too complicated and refined for the wants and general intelligence of the people, and affords handles to the astute over the simple, for the perversion of justice. Instead of advancing in the line of judicial subtilties and distinctions, we ought to fall back upon the most natural and most simple method of administration that can be devised. Even in England the mischief of the opposite system is now seen and felt, and the tendency is to turn from that which is complicated and professional, to that which common reason can appreciate and put in practice. It is also much to be doubted whether the professional and unprofessional man will amalgamate in a way conducive to the public interests. The Judges think that the Government, by creating the means of training the junior members of the service for judicial duties under the eyes af their seniors, and enacting laws calculated to check chicanery and protect rights in property, would best provide for the circumstances of the country, and

golden words.

that the introduction of professional lawyers, whose training has been in another land and among a totally dissimilar people, is neither necessary nor desirable.

92. There are some minor points connected with the propositions of Mr. Harington, and the Lieutenant Governor, on which the Judges would offer remark.

personalty

93. They think it objectionable that the decisions of the District Moonsiffs in suits for personality within the value of Rupees 50, should be left without appeal, as recommended by Mr. Harington. The sum is one of much importance to a native, and if the tribunal be of a description to make it necessary to guard the public against wrongful decrees it may give in cases of higher value, the same protective measure, they agree with the Lieutenant Governor, should be extended over all cases. It is not a question of value of suits, so mnch as one of the trustworthiness of the tribunals, and knowing as the Judges do that the District Moonsiffs have not the confidence of the people, they feel that the leaving their decisions unchecked by appeal, would not be deemed by the people a measure for their advantage. The Judges think it objectionable, as proposed both by Mr. Harington and the Lieutenant Governor, that the Court whose judgment is in question should have to decide whether the case is one deserving to go on further, in Special Appeal to a superior tribunal. The task of so deciding will be a very invidious one, and when the Judge may pronounce against the further progress of the case, it will be imputed to him that he does so because tenacious of his own judgment; and such tenacity will doubtless to a considerable extent prevail. A Judge is apt also in the confidence he has in his own judgment, to fail to see how it may be fairly impugned by another.

94. The Judges think the appointment of an officer of the description proposed by Mr. Harington, under the designation of Minister of Justice, or Judicial Commissioner, would be highly advantageous under the existing system, where the Sudder Udalut are ill-qualified, from the onerous nature of their other duties, to exercise the supervision that would devolve on him. It appears to them, however, objectionable that he should carry out his supervision so far as to sit on the bench with the Mofussil Judges, so as to watch their method of dispensing justice, as this would, they apprehend, besides being an uncertain test, tend to lower the Judges in their own estimation and in that of the public. Under the scheme now proposed by the Judges, they do not think that such an officer as above in question would be called for. The labors of the Sudder Udalut would be much lightened, and the periodical circuits of the superior Courts, coupled with the fewness of the inferior ones, and the composition of these Courts of more Judges than one, would do away with the need of the local supervision to be exercised by the proposed Judicial Commissioner,—a circumstance that may fairly be taken into account when considering the comparative economy of the schemes proposed.

MINUTE by the Honorable W. A. MOREHEAD, Esq., dated 19th January 1859.

The object aimed at, by the Judges of the Sudder Udalut in their present scheme, for the re-construction of the Civil Courts, is the improvement of Courts of first instance.

That the principle they contend for, is the correct one, all must admit, with good and trustworthy Original Courts, the necessity for Appellate Courts would almost entirely cease, vexatious delays would be got rid of, and the ends of justice would in every respect be facilitated. One good Original Court is better than any number of Appeal Courts.

The mode in which the Judges propose to effect this important change in our Judicial system is explained in their letter, and appears full of promise. Courts presided over by three Judges, curtailed proceedings, with limited appeals, is the machinery to be used, but in its practical working I fear the difficulties met with will be great.

One Court of Circuit in each Zillah will hardly suffice, in many it certainly will not. The labor imposed on the Judges and every one connected with the Court, consequent on their being almost incessantly on the move, will prove excessive. The preparation of the cases, securing the attendance of the parties, &c., the short period the Courts will remain at each station, the impossibility of having a bar, the want of a stationary Criminal Court, will all be seriously felt, and present a few of the difficulties that appear to me inevitably to belong to the proposed Zillah Courts, and to render their introduction in the manner suggested almost impracticable.

The Provincial Courts, are also to be continually on the move, and appear to me to be liable to the objections already taken to the proceedings connected with the Zillah Courts.

I observe that the Civil side of the Provincial Court is to be presided over by two European Judges. This is objectionable, and is opposed to the views expressed in para. 25 of the Judges' letter. If the Courts in question, come into operation, a Native Judge must be associated with the European Judges making the bench consist of three Judges as is to be the case with the Zillah Courts.

I cannot agree with the Judges in the estimate they have formed of the District Moonsiffs. As a body, I consider them as intelligent and upright, and that with few exceptions, they possess the confidence of the people. The files of their Courts are heavy, the average of appeals from their decisions is small, and in the exercise of their summary jurisdiction, they have succeeded well, suits of this nature, are speedily disposed of, parties do not complain of such decisions, and no representations that I am aware of have been made by the Civil Judges reflecting upon the manner in which this portion of their duties has been performed, it must moreover be borne in mind, that our District Moonsiffs have exercised this summary jurisdiction since 1816, and no clamour has been raised against it, which could hardly have been the case had it been attended with the results the Judges imagine.

Entertaining this opinion of the District Moonsiffs, I am opposed to the abolition of these Courts and prefer making them available for the introduction of what appears to me to be a better system of carrying on the judicial business of this Presidency. I would act upon the plan now suggested by the Judges of the Sudder Udalut, of having as far as possible, three Judges attached to Courts of original jurisdiction.

I would however have the Zillah Courts stationary, and vested with the powers of the proposed Provincial Courts, all appeals beyond suits for 300 Rupees, lying to the Sudder Udalut.

In each Zillah, there should be a Zillah Court, presided over by three Judges, two being Europeans and one being of the Uncovenanted Service, if circumstances did not require two European Judges to be on the bench, as I apprehend, would be the case in some Zillahs, one European and two Uncovenanted Servants might occupy the bench.

The European Judges should be of the standing in the service of the present Civil Judges.

The original jurisdiction of the Zillah Court, should commence at 300 Rupees, and extend to any amount. Its decisions in all money cases up to 1,000 Rupees to be final.

In all other cases an appeal to lie to the Sudder Udalut, on the grounds set forth in para. 40 of the Judges' letter.

The proceedings of the Court to be conducted in the manner now suggested by the Judges of the Sudder Udalut.

All criminal cases now disposed of by the Session Courts, should be decided by the Zillah Court, its decisions to be final, except in murder cases, which should be dealt with as heretofore.

The Police to commit the cases direct to the Zillah Courts.

The jurisdiction of Magistrates should extend to all cases now decided by the Subordinate Courts, an appeal to lie from all sentences passed by the Magistrates to the Zillah Court, the award of which in such appeals should be final, of course Joint Magistrates and Head Assistants would be vested with this power.

Suits below 300 Rupees, I would have decided by District Moonsiffs, their decisions up to fifty Rupees in money suits to be final, above that, and in all other cases, an appeal to lie to the Zillah Court, on the grounds set forth in para. 40, Clauses II, III, IV, V, VI and VII, the appeal award to be final, as the jurisdiction of the District Moonsiffs would be greatly reduced and their summary jurisdiction enlarged; one Moonsiff, in many localities, might perform the work of two Courts, in such instances, each Court should be open for two months at a time, no suit under fifty Rupees should be allowed to remain undecided for a longer period than four months, I would further allow parties, by consent, to have the decision of any Court, having jurisdiction in the matter at issue, to be a final award.

The decisions of the Zillah Courts when presided over by two European Judges and one Covenanted servant should be determined by the majority; when one European Officer presides, the rule laid down by the Sudder Judges had perhaps better be observed.

In respect to training for the bench, I am of opinion that the Magisterial duties, all Covenanted servants would be called upon to perform, would be ample. It must be remembered that no one under the system I have sketched would be called upon to act singly in a Court, he would join a Court where he would find bimself associated with colleagues, experienced in the rules of all judicial proceedings connected with the business of the Court, he would thus never feel himself at a loss or dependent upon the advice of his subordinates.

I do not think that the scheme I advocate would be as expensive as the different ones submitted for our consideration, and I must say that it strikes me as being one both practical and effective, in all its bearings.

I dissent from the remarks made in para. 32 of the Judges' letter, the opposite I believe to be the case, and that there are few Judges who do not conduct themselves the examination of all witnesses in Civil cases.

(Signed) W. A. MOREHEAD.

No. 40. MINUTE by the Right Honorable the PRESIDENT, dated 21st January 1859.

The subject of the re-organization of the Courts of Justice has already been under consideration, but the papers now in circulation appear to bring the matter under discussion to a practical issue.

The objects which all the schemes have in view, I conceive to be two—

1st. The establishment of throughly efficient primary Courts, and

2ndly. The curtailment and improvement of the forms of procedure.

I believe both reforms to be essentially necessary to the well-being of the country, but I doubt very much whether the plan proposed by the Judges of the Sudder would effect the result proposed.

To ensure the speedy decision of cases either of a civil or criminal nature, it is absolutely necessary, that there should be a sufficient number of Courts, and these Courts should be within easy reach of the population liable to apply to them.

I have the strongest doubts whether the moveable Courts either Zillah or Provincial proposed by the Sudder could possibly meet the requirements of the country, and there would still exist the probability ot long delays both while awaiting the arrival of the Courts in each locality, and while the opportunities for appeal would be as frequent as at present.

I am therefore disposed to concur with the view taken by Mr. Morehead which would establish efficient Zillah Courts with final jurisdiction up to certain limits, beyond which an appeal would lie to the Sudder.

But I doubt much, if his plan of simply retaining the present District Moonsiffs is a sufficient method of meeting the requirement of a speedy decision on small causes.

The Judges of the Sudder, propose to meet the difficulty by the establishment of village Punchayets, but I should seriously doubt whether Courts of this nature would be likely to gain the confidence of the community.

I should prefer, and I am still desirous of pressing the opinion I have already expressed in my Minute of the 18th November 1856, and of which I furnish an Extract.

By this method, a Court for the minor civil and criminal cases, of minor importance, would be provided of easy access to the population throughout the country, while the Magistrates would take the more serious criminal cases up to the extent of their jurisdiction and the Zillah Courts would be ready to dispose of all more important cases.

I should, however, be disposed to have jurisdiction in the Moonsiffs' Courts up to 1000 Rupees, with the right of appeal above 50 Rupees or 100 Rupees, to the Zillah Courts.

While advocating the continuance and multiplication of the District Moonsiffs' Courts, I assume as a matter of course, that the forms of procedure at present in use, will be altered and simplified to the utmost possible extent, and very much on the principles adopted for the County Courts in England.

It might be advisable to allow as suggested by the Judges two Assessors to be nominated, one by either party in a cause, to sit as Assessors with the District Moonsiffs, but it is worthy of consideration whether the advantage to be thereby gained would counteract the probability of increased delay in the decision of suits.

I believe it is very desirable, that some improvement should be adopted, as from all I have been able to ascertain the great delay which now occurs in the decision of suits must be an increasing cause of dissatisfaction against the Government.

The subject of legal training is one surrounded with difficulties, but one of great importance and which I am firmly convinced, must be grappled with ere long in order to remedy the anomalous appointments which must under the present system be made from time to time.

(Signed) HARRIS.

Extract from a MINUTE by the Right Honorable the PRESIDENT, dated 18th November 1856, referred to above.—

Finally, I would earnestly urge the Supreme Government not to permit this scheme to

come into operation until the establishments necessary for carrying it out effectually have been well considered and determined on.

Unless this is done, I see great probability of serious confusion, and of great injury to society generally.

And for this reason, it is proposed to deprive the Tahsildars of the Criminal jurisdiction in petty offences, with which they are at present invested, and to transfer the administration of this section of the law to the Moonsiffs with enlarged powers.

Now there are in this Presidency

Tahsildars	244
Police Ameens and Heads of Police	77
Total...	321

321, who exercise this description of authority, and there are on the average 180,000 persons brought annually before them.

The labour of investigating all the cases, in which these persons are involved will in the new system be transferred to the Moonsiff.

The number of cases and of persons will probably be augmented in consequence of the enlarged authority, which will be confided to them.

There are now in the Madras Presidency,

District Moonsiffs	119
Sudr Ameens	22
Total...	141

The average number of Civil Suits which these persons now have to deal with annually is 150,000.

There will probably be an increase here also, as the Moonsiffs will have more extensive jurisdiction.

Thus not only will the work on the Civil side be greater, but the whole of the Criminal cases will be transferred to these 141 men, who are quite unaccustomed to the administration of the penal law.

It must be evident, that such an operation, if attempted without precaution, is likely to result in serious calamity.

Not only will the administration and execution of Criminal justice be retarded, but, together with the delay, there will be the unfavorable effect which must be produced on the minds of the people, on seeing the Officers previously in magisterial authority amongst them, deprived at once of their powers.

Both these difficulties, which are liable to occur on the introduction of the new system, should be most carefully provided against.

My own opinion is, that this must be effected chiefly by an increase in the number of Moonsiffs.

It is useless to attempt reforms in the administration of justice and in the method of procedure, unless the Courts are made accessible to the people, not only by simplicity of forms, but also by propinquity as to distance.

In order to accomplish the latter requirement, it is necessary, that the Moonsiffs should be regularly distributed over the whole country, a fixed area being allotted to each, which would vary to a certain extent within certain limits with reference to the nature of the locality and the numbers of the population, but which as a general rule should be as nearly as possible equal.

Judging from my experience in a colony where the Stipendiary Magistrates were distributed on this plan, I think, the average area should not exceed 500 square miles.

Within this space each Moonsiff should have a head quarter station, where he would generally hold his Courts, but he should also be required to visit two or three of the principal localities in his District once every fortnight or month, as may be deemed advisable.

The distance between the several places where he would hold his Courts would probably never exceed one night's run in a Palankeen.

Large towns would, of course, make exceptions, as they would of themselves require one or more Moonsiffs according to the extent of their population.

The area of this Presidency is stated to be 136,872 square miles, which at 500 square miles to each Moonsiff, would require 273 to complete the establishment, without taking the towns into calculation, probably 300 would be sufficient.

At present there are only 141. But I think it is very doubtful whether these, Officers would be able to perform their duties, with the promptness, which is so important, and which it is the duty of an efficient Government to secure, seeing that in addition to the Civil and Criminal cases within their own jurisdiction, already stated, there would be numerous cases for investigation and preliminary inquiry for commitment for trial by the Higher Courts.

I would therefore recommend that the Tahsildars should retain their powers of Magistrates for petty Criminal offences, and, if shewn to be qualified, they might be allowed co-ordinate Criminal authority with the Moonsiffs, and thus relieve them of some of their work.

They should be required to perform their duties in the Moonsiffs' Courts according to some prescribed arrangement.

By this means the character and position of the Tahsildars would be upheld, and I see no objection to their performing judicial duties of a minor description in Criminal cases, whilst they continue to be Revenue Officers, and they might be of great service to the Moonsiffs.

But I would particularly point out, that I think that it would be most impolitic to deprive them at once of their Magisterial powers.

In fact, unless proper provision were proviously made—and I do not see very clearly the means of procuring at once more efficient men—crime of every sort would sweep over the land unrestrained.

But if this new system is introduced, I would in addition, point out the necessity for increasing the salaries of the Moonsiffs and of the Tahsildars.

The Officers who fill the places of the Moonsiffs at present are:—

22 Sudr Ameens at 200 Rupees a month,
District Moonsiffs 1st class 12 ,, 200 do.
2nd ,, 32 ,, 150 do.
3rd ,, 74 ,, 100 do.
4th ,, 1 ,, 35 do.

The salary of the third class, 100 Rupees, would be found very small, if they are required to move from one place to another in their Districts, and it appears to me, that 150 Rupees is the least which could be given. The two superior classes might be raised 50 Rupees each.

With respect to the Tahsildars, they are generally very much underpaid, even for the performance of their Revenue duties, the average being only 95 Rupees.

I would propose, that they should have a small additional stipend, which should be modified according to the duties performed, and after proof given by examination or otherwise of the possession of qualifications for the work.

In recommending that the judicial authority should be retained by the Tahsildars, I have taken it for granted that they will be separated entirely from the Police Force, as has been already proposed.

I think it unnecessary here to enter into consideration of the increase, or re-allotment, which may be required for the superior Courts. I will merely remark, that I am disposed to think that they may, in some instances, be distributed over the country with a better regard to the convenience of the people, than the present arrangement affords.

Whatever may be the fate of the general measure, I trust that nothing will prevent the appointment of an additional number of Moonsiffs, in order that every facility may be afforded for the early settlement of petty cases.

No. 41.

ORDER THEREON, No. 90; dated 22nd January 1859.

Ordered that the following letter be despatched.

No. 42. To H. FORBES, Esq., Member for Madras of the Legislative Council, dated Fort Saint George, 22nd January 1859, No. 91.

SIR,

With reference to your letter, under date the 19th May last, I am directed by the Right Honorable the Governor in Council to forward to you the accompanying papers as per margin on the constitution of the Courts of this Presidency.

Letter from Court of Sudr Adawlut, 4th August 1858.
Minute by the Honorable Mr. W. A. Morehead, 19th January 1859.
Minute by Right Honorable the President, 21st, January 1859.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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in common with all men whilst, at the same time, a more extended field must be permitted to the development of individual Character in industrial occupation.

Finally, I would earnestly urge the Supreme Government not to permit this scheme to come into operation until the establishments necessary for carry it out effectually have been well considered and determined on.

Unless this is done, I see great probability of serious confusion, and of great injury to to society generally.

And for this reason, it is proposed to deprive the Tahsildars of the Criminal jurisdiction in petty offences, with which they are at present invested, and to transfer the administration of this section of the law to the Moonsiffs with enlarged powers.

Now there are in this Presidency

Tahsildars	244
Police Ameens and Heads of Police	77
Total	321

321. who exercise this description of authority, and there are on the average 180,000 persons brought annually before them.

The

The labour of investigating all the cases in which these persons are involved, will in the new system be transferred to the Moonsiff.

The number of cases and of persons will probably be augmented in consequence of the enlarged authority, which will be confided to them.

There are now in the Madras Presidency

District Moonsiffs	119
Sudr Ameens	22
Total	141

The Average number of Civil Suits which these persons now have to deal with annually is 150,000.

There will probably be an increase here also, as the Moonsiffs will have more extensive jurisdiction.

Thus not only will the work on the Civil side be greater, but the whole of the Criminal Cases will be transferred to these 141 Men, who are quite unaccustomed to the administration of the penal law.

It must be evident, that such an operation if attempted without precaution, is likely to result in serious calamity.

Not only will the administration and

execution

Memo.

With letter of 14 May last the Member for Madras of the Legislative Council transmitted papers regarding the further proposed constitution of the Courts in the upper & lower provinces of Bengal. These were presented to the Sec. with E.M.L. 3 June –

The Court of Directors in a Dispatch 26 May 1858. Jud. Dept Number 5 para 13 expressed doubts whether such appointments

Village
as that of the ~~D~~ Moonsiff of Combaconum are strictly legal – This was referred to the 7th of E.I.C. 24 July/58. p 3 – and this answer is dated 6 Aug –

The Sudder Court's letter 4 Aug = recd 10th = lays before the a scheme for the recon-stitution of the Courts of the Madras Presidency – involving a total reorganization of the ~~Dn~~ Madras Judicial System of Procedure – Civil and Criminal. JPS

Ref [illegible]

[illegible] with papers [illegible] now [illegible]

C H [illegible]

For Orders

Minute

Jan 21. 59

The subject of the re-organisation of the Courts of Justice has already been under consideration - but the papers now in circulation appear to bring the matter under discussion to a practical issue.

The objects which all the schemes have in view seem to be two.

1. the establishment of thoroughly efficient primary Courts - with

2dly the introduction & improvement of the forms of procedure -

I think both of these to be essentially necessary to the well-being of the country - but I doubt very much whether the plan proposed by the Judges of the Sudder would effect the result proposed.

To ensure the speedy decision of cases either of a civil or criminal nature - it is absolutely necessary - that there should be a sufficient number of Courts - & these Courts should be within easy reach of the population liable to apply to them -

I have the strongest doubts whether the move~~[illegible]~~able Courts either Zillah or Provincial proposed by the Sudder could possibly meet the requirements of the

Country - & there would still exist the probability of long delays - both while awaiting the arrival of the Courts in each locality - & ~~of~~ while the opportunities for appeal would be as frequent as at present.

I am therefore disposed to concur with the view taken by Mr Loveland which would ~~establish~~ appoint Zillah Courts with joint jurisdiction up to certain limits - beyond which an appeal would lie to the Sudder -

But I doubt much if his plan of keeping

strengthening the present district Magistracy is a sufficient method of meeting the requirement of a speedy decision in small causes.

The Judges of the Sudder propose to meet the difficulty by the establishment of village punchayets — but I should seriously doubt whether Courts of this nature would be likely to gain the confidence of the community —

I should prefer — & I am still desirous of pressing the opinion — I have already expressed in my Minute of the 18 Novr. 1861. & of which I furnish an extract —

To be recast to be more concise — & neatly appended at the end.

See extract to be marked here

16

By this method — a Court for the trial of civil & criminal cases of minor importance would be provided of easy access accessible to the population throughout the country — while the Magistrates would take the more serious criminal cases up to the extent of their jurisdiction & the Zillah Courts would be ready to dispose of all more important cases —

I should however be disposed to have jurisdiction to the Magistrates

Courts up to 1000 R. with the right of appeal above 50 Rs or 100 Rs. to the Zillah Court.

Para A to come in here.

It might be advisable to allow as suggested by the Judges two assessors to be nominated one by either party in a cause — with as assessors in the District Moonsiffs — but it is worthy of consideration whether the advantage to be thereby gained would counterbalance the probability of increased delay in the decision of suits.

A While advocating the continuance & multiplication of the District Moonsiffs Courts — I assume as a matter of course that the forms of procedure at present the use will be altered & simplified to the utmost possible extent. & very much on the principles adopted for the County Courts in England

18

I think it is very desirable that some improvement should be adopted as far as I have been able to ascertain - the great delay which now occurs in the decision of suits must be an increasing cause of dissatisfaction against the Govt

The subject of legal training is one surrounded with difficulties. but one of great importance - & which I am firmly convinced - must to grapple with one long - in order to remedy the anomalous appointments which must under present system be made from time to time.

A Panizzi.

Gunnily

Jan.ʸ 21/59.

Here ends the extract
that follows

In Dy. to Cons: 25 Jany.

Judicial. 1859. Deptt.

No. 90 & 91.

From the Right Honble
the President

dtd
21st Jany /59.

No. 106.

on the constitution of the
Courts of the Madras
Presidency.

40.

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20 Jany 1859

JP

The object aimed at, by the Judges of the S
in their present scheme, for the reconstruc-
tion of the civil courts – is the improvement
of courts of first instance

That the principle they contend for, is the
correct one, we must admit – with good
& first worthy original courts, the necessity
for appellate courts would almost entire-
ly cease, vexatious delays would be got rid
of & the ends of justice would be more exp-
pedited & facilitated – One good original court
is better than any number of appeal courts.

The mode in which the Judges propose to ef-
fect this important change in our judi-
cial system is as placed in their letter, &
appears to be of Provincial Courts presided
over by three Judges – instead

ings, with limited appeals, is the machinery to be used - but in the practical working I fear the difficulties that will arise be great -

One Court of Circuit in each Zillah will hardly suffice, in many it certainly will not - The labor imposed on the Judges & every one connected with the Court, consequent on their being almost incessantly on the move, will prove excessive - The preparation of the cases, ensuring the attendance of the parties &c, the short period the Courts will remain at each Station, the impossibility of having a Con- the want of a Stationary criminal court will also be seriously felt, & present a few of the difficulties that appear to me inevitably to ~~attach~~ belong to the proposed Zillah courts, & to render their introduction in the manner suggested almost impracticable -

The P. Courts, are also to be continually on the move - & appear to me to be liable to the objections already taken to the proceedings connected with the Zillah Courts -

I observe that the circuit side of that Court is to be presided over by two European Judges - this is objectionable, & is opposed to the views expressed in para 25 of the Judge's letter - If the Courts in question come into operation, a Native Judge must be associated with the European Judges making the Bench consist of three Judges must be the case with the Zillah Courts.

I cannot agree with the Judges in the estimate they have formed of the District Moonsiffs — As a body I consider them as intelligent & upright, & that with few exceptions they possess the confidence of the people — The files of their Courts are heavy — the average of appeals from their decision is small, & in the exercise of their Summary Jurisdiction, they have succeeded well, suits of this nature, are speedily disposed of, parties do not complain of such decisions, and no representations that I am aware of have

been made by the Civil Judges respecting upon the manner in which this portion of their duties has been performed — it must moreover be borne in mind that our D. M. have exercised this summary jurisdiction since 1816 — & no clamour has been raised against it — which would possibly have been the case had it been attended with the evils the Judges imagine

Entertaining these opinions of the Dist. M. I am opposed to the abolition of their Courts and prefer making them available for the introduction of what appears to me to be a better system of carrying on the judicial business of this Presidency

I would act upon the plan now suggested by the Judges of the S.C. of having as far as possible three Judges attached to Courts of original jurisdiction –

I would however have the Zillah Courts stationary – & vested with the powers of the proposed Provl. Courts – all appeals beyond suits for 300 Rupees lying to the S.C. –

In each Circuit Zillah, there should be a Zillah Court, presided over by three Judges – two being Europeans & one being of the uncovenanted service – if circumstances did not require two European Judges to be on the bench, as happening would be the case in some Zillahs – one European & two uncovenanted servants might occupy the bench –

The European judges should be of the standing in the service of the present Court Judges –

The original jurisdiction of the Zillah Court, should commence at 300 Rupees & extend to any amount

Its decisions in all money cases up to 1000 Rupees to be final –

In all other cases an appeal to lie
to the S.C. on the grounds set forth in
para 40 of the Judges letter —

The proceedings of the Court to be con-
ducted in the manner now suggested
by the Judges of the S.C. —

All criminal cases now disposed of
by the Session Courts should be de-
cided by the Zillah courts — its deci-
sions to be final except in murder
cases which should be dealt with as
heretofore

The Police to remit the cases di-
rect to the Z. Courts —

The jurisdiction of Magis^tes should ex-
tend to all cases now decided by
the subordinate Courts — an ap-
-peal to lie from all sentences pas-
sed by the Magistrates to the Zillah
Court — the award of which in such
appeals should be final —

Hence Joint Magistrates & Head
Assistants would be vested with
this power —

Suits below 300 rupees should
be decided by D.C. — their decisions
up to fifty rupees in money suits
to be final — above that & in all
other cases an appeal to lie to the
Zillah Court — on the grounds
set forth in para 40 — clauses II, III, IV, V, VI & VII

the appeal were to be final -
as the jurisdiction of the Side would
be greatly reduced & their settlement
jurisdiction enlarged - One Magis-
trate in many ~~co~~ Pusans localities
might perform the work of two Courts
in such instances each Court should
be open for two months at a time -
No suit under fifty rupees should
be allowed to remain undecided
for a longer period than ~~two~~ four months
I would further allow parties, by con-
sent, to ~~take~~ have the decision of any Court,
having jurisdiction in the matter at is-
sue, be a final award -

The decisions of the Zillah Courts
when presided over by two European
Judges are concerned decisions
should be determined by the majo-
rity - in which one European officer
presides the rule laid down by the
Sudder Judges had perhaps best
then be observed -

In respect to raising pay for the Heads
I am of opinion that the Magisterial
duties, all unconnected with Revenue
should be called upon to perform,
would be advisable. It must be re-
membered that no one ~~[illegible]~~ Magistrate
under this system. I ~~[illegible]~~ would

be called upon to act singly in a court – he would join a Panel where he would find himself attached with colleagues, experienced in the rules of all judicial procedure, & conversant with the business of the Court – he would thus never find himself at a loss or dependent upon the advice of his subordinates –

I do not think that the scheme I advocate would be as expensive as ~~[illegible]~~ the different forms submitted pour instruction & I must say

that it strikes me as being valuable practical & effective, in all its bearings –

I dissent from the remarks made in page 32 – of the Judges letter – the opposite I believe to be the case – & that there are few Judges who do not conduct themselves the examination of all Witnesses in Civil cases –

W.L.

Ly. –

In Dy-D Conr-25-January.
Judicial 1859. Deptt

No 90 & 91.

Minute by the Honble W.
A. Morehead. Esq.

d/19
r/20 Jan/59.

No.105.

on the constitution of the
Courts of the Madras Presi-
-dency.

39.

Read the following papers No. 90 Judicial Depo

Letter from Court of Sudr Adawlut dated 4 Augt/1858
Minute of Hble Mr Morehead — 19 Jany/59.
Do — Rt the President — 21 do

Ordered that the following letter be despatched

H Forbes Esq

No 91

Memo: for Members of Leg: Council —

Despd per Messenger
22d Jany/59

H.F.

W.M.

Letter from Court of Sudr
Adawlut - 4th Augt/58
Minute by the Hble Mr
W A Morehead 19th
Jany 1859.
Minute by Rt Hble
the President Jany
21. 1859 -

With reference to your
letter under date the
19 May last I am
directed by the Rt
the Govr C to forward to
you the accompanying
papers as per margin
on the constitution of
the Courts of this Presi-
-dency -

Fort St George
22d January 1859

H.F.

L M 40 + Letter 6 [illegible]

7

No. 90.

Extract Mins. Cons:

No. 91.

To, The Member, for
Madras, of the
Legislative Council,
of India.

Dated 22d. January 1859
F. Cons. 1st. February 1859. Nos. 29 to 30

Forwarding certain
papers on the constitution
of the Courts of this
Presidency.

Minute of the
Hon'ble W. Moe
[illegible]

38 @ 42.