

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	690	Press Mis.
166-167 (166-167)		
Dated 28.5.1881 19		

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
28th May 1861.

No. 166. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated London, 16th April 1861, No. 13.

No. 50, for the month of June :—

Rules of Civil Procedure for the guidance of the Government Agents at Ganjam and Vizagapatnam.

1. The Proceedings of your Government, in the Judicial Department, from June to December 1860 inclusive, have been laid before me in Council.

2. The correspondence on this subject should have been separately reported.

3. It is possible that the Code of Civil Procedure is in advance, in some respects, of the

“ 5. I am, like Mr. Seonoe, unable to suggest any course of procedure for the trial of suits for breach of such contracts as these, that shall be more prompt or effective, consistently with the ends of justice, than the new Code of Civil Procedure is, if properly worked. That Code was framed after infinite pains and long consideration by gentlemen, than whom, I believe, none ever before met together in India, who, amongst them, combined great natural ability with so much acquired knowledge of the practical working of the Indian Country Courts, of the Indian Courts of English Law, and of English Courts. And it was the ruling object of all these gentlemen to simplify procedure to the utmost possible degree; and to get rid of everything that tends unnecessarily to delay judgment and execution. The result of all the inquiries I have made from the Native Judges, by whom nearly all original suits are tried, and of whom I have now seen many in different parts of the lower Provinces, is, that the new Procedure, in working, has been successful, even above all hope. Cases are now rapidly decided, excepting, of course, peculiar cases, where all the necessary facts cannot be got at without delay; and as the whole system is new, and is very different from that to which the Judges have been accustomed all their lives before, if it does well now, it is quite certain that it will do better after longer practice.

6. Taking a practical view of the question, I see no reasonable ground for expecting any material improvement, in point of promptitude, from any change in the Procedure of any Courts that may be established, which are intended to do full justice between the parties in suits before them. The plaint under the new Code may be compressed in a few lines, and should be rejected if redundant. It must be accompanied by any document mainly relied on. No written pleadings are required, and the defendant is immediately summoned for a day fixed for the trial of the case (the documents and witnesses on both sides being called for), if the nature of the suit is such as to allow of so summary a course, or otherwise, for the settlement of the point or points really at issue between the parties; and, when these are settled, the case may go to trial as soon as the evidence can be procured. In fixing days for trial, or the settlement of issues, the Judge has no need to allow an hour more than is reasonable and fair under the circumstances of the case in hand. The execution is as simple and prompt as the trial. In short, unless by a summary suit is meant a suit in which the evidence and arguments on both sides are not to be thoroughly gone into, all suits under the new Code of Civil Procedure are summary suits; and in no suit under this Procedure can any delay arise, which is not rendered necessary by the specialities of the case, if the law is properly worked, and if the Court before which the suit is brought is not in arrears.”

wants of the population subject to the jurisdiction of the Agents, but the opinion of the Sudder Court that “it is elaborate and refined, rather than marked by simplicity and ease of procedure,” is entirely at variance with the opinions respecting it which have been received from the Presidency of Bengal, where, as shown by several reports, it has proved “successful, even above all hope,” and where the Officers in charge of Non-Regulation Provinces have, scarcely with any exception, applied for the extension of the new Code to the Courts subject to their jurisdiction. As the proper working of the Code is a matter of great importance, I transmit herewith an Extract* on the subject from a Minute of the Lieutenant Governor of Bengal, dated 6th October last, which you are requested to communicate for the information of the Judges of the Sudder Court.

4. I request that the Rules for the guidance of the Agents, when prepared, may be forwarded for my consideration in Council.

No. 50, of the month of August :—

Affray at the village of Adánapet, District of South Arcot.

5. This serious case of affray appears to have been the

result of certain Proceedings of

some of the Officers in the Public Works Department, who directed a sluice to be cut from a tank which was the exclusive property of the Village of Adánapet, for the benefit of a neighbouring village. The proceedings were transferred first to the Public Works, and then to the Revenue Department, and the case is still incomplete. I request that the result of the investigation which you have directed into the conduct of the Officers who ordered the cutting of the sluice may be reported to me.

Proceedings of the Madras Government, Judicial Department,
28th May 1861.

Nos. 41 and 45, of the month of December 1860.—
Returns of Gang and Highway Robberies for the first half-year of 1860.

	Gang Robbery.	Highway Robbery.
Chennai...	31	36
Bellary...	29	31
Kannur...	3	21
Vellore...	23	27
North Arcot...	20	27
South Arcot...	21	21
Salem...	53	52
Chingleput...	21	31
Tanjore...	22	6

6. These Returns exhibit a great number of offences under the heads of "Gang and Highway Robbery," especially in the Districts named in the margin, with very unsatisfactory results as to the detection and conviction of the perpetrators. It is to be hoped that a great advance will be effected towards the suppression of these violent outrages under the new system of Police,

now in course of introduction into the several Districts of the Presidency.

7. The rest of your proceedings during the period under consideration call for no remark.

No. 167.

ORDER THEREON, 28th May 1861, No. 690.

Paragraphs 2 and 3 of this Despatch will be communicated to the Sudder Court—paragraph 5 to the Public Works Department—and paragraph 6 to the Inspector General of Police, and to the Magistrates of the Districts named in the margin thereof.

2. Ordered that the papers relating to the subjects noticed in paragraphs 4 and 5 be reported to the Secretary of State. It is remarked that the revised Rules for the guidance of the Agents in Vizagapatam and Ganjam were forwarded to the Secretary of State in the Proceedings of this Government, 24th July 1860, Judicial Department, by the second Steamer of August.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial.

Proceedings of the Madras Govt.

Despatch from
Secretary of State—Inter 16 April '61.

No. 13.

Order—28 May 1861. No. 690.

Paras 2 & 3 of this Despatch will be communicated to the

Sudder Court—para 5 to the Public Works Dept.—& para 6 to the Inspector General of Police, & to the Magistrates of the Districts named in the margin thereof.

2 Ordered that the papers

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Proceedings of the
Judicial Committee

No 600

Proceedings of the
Judicial Committee

28/29 May 1861.
28/29 May 1861.

relating to the sub-
noticed in paras 4.
he reported to the
cretary of State.

It is remarkable that
the revised
order for the prison
of 12 April is signed
-person & foreign
was forwarded to
Secretary of State
the Proceedings of the
1st-24 July 1860
and sent. by the
2nd Steam of August

The Sudder Court - 213 - 1
" Pub. Works Dept. - 5 - 1
" Inspector Genl. of Police - 6 - 1
" Magistrate of
Calcutta, Bellary - Kurnool North Arcot, Salem
Salem, Coimbatore, & Tanjore