M.R.O. 1—30,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 353 Press ~~Mis.~~

22-23.

Dated 5.3.1863 ~~1~~ .

11/12

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
5th March 1863.

No. 22. Read the following Proceedings of Government in the Revenue Department, dated 30th January 1863, No. 217.

Referring Mr. Pelly's scheme relative to the appointment of Town Moonsiff for orders. (Vide Proceedings Revenue Department, dated 30th January 1863, Nos. 430 & 431.)

No. 23. ORDER THEREON, 5th March 1863, No. 353.

The Governor in Council considers it questionable whether there is any necessity at present for incurring the charge involved in the establishment of a body of Town Moonsiffs, as proposed in the letter recorded in the foregoing Proceedings.

2. Since the Order of Government in the Revenue Department, under date the 7th May last was written, an Act has been passed by the local legislature and has been forwarded to the Viceroy for his assent which will have the effect of largely increasing the number of Small Cause Courts, by investing all District Moonsiffs with small cause jurisdiction: It will be advisable to defer incurring the charge now proposed, until the result of the enactment in question shall have been seen.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from the Honorable C. PELLY, Member of the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 20th December 1862, No. 1,419:—

SIR,

1. I have the honor to submit a full report on the requirements of each District with respect to Village Moonsiffs in the larger towns at which it may seem desirable to have Moonsiffs paid at a higher rate than is generally allowed to the head men and Curnums of a village, in compliance with the Order of Government under date 7th May 1862, No. 1,004.

2. In the reports sent in by the Collectors it will be seen that some Collectors confine their recommendations for such officers to towns strictly so-called; others would attach a few of the neighbouring villages to the jurisdiction of the Town Moonsiffs. One Collector, Mr. Carmichael, is of opinion that it is a wrong principle to have low paid officers of the kind, and would rather extend the system of Small Cause Courts, presided over by a well educated Judge, and other Collectors have suggested circles of villages to be placed under the jurisdiction of a Moonsiff. The places at which the Collectors have recommended Moonsiffs are shown in the enclosed Statement No. 1. The number of Moonsiffs proposed by them is 91, and the cost 1,637½ Rupees per month.

Establishment	1,614½
Saderwarid	22½
	1,637½

3. The question, however, before me is not the expediency or otherwise of establishing Small Cause or other similar Courts of Judicature; but I am simply required to submit for the consideration of Government an establishment of village Moonsiffs, having jurisdiction for the disposal of petty suits (within 10 Rupees) in large towns, with a suitable remuneration for their labors.

4. The head man, or one of the head men, of the village is by the Regulations the constituted village Moonsiff ex-officio, but it is known that they do not generally decide many petty suits in accordance with the powers conferred on them by Regulation IV of 1816. To remedy this inconvenience in part, the appointment of a person specially paid for this duty in large towns, where it may be supposed they are most required, has been suggested. The establishment of Small Cause Courts in or near large towns (as at Negapatam and Madura) renders the location of a village Moonsiff at those towns unnecessary, and the contemplated extension of these Courts will probably materially affect my present proposition for town Moonsiffs.

5. In many of the larger villages or towns it would seem that there are very few petty suits. This may arise from incorrect returns, or it may arise from the fact that not having a competent officer on the spot, to whom to resort for the adjudication of their small claims, parties prefer letting their cases lie over, or take other methods for recovering their dues rather than resort to the Courts at all. On the other hand, it will be observed, that in some small villages the number of petty suits is considerable probably in consequence of the village Moonsiff's taking a deeper interest in the matter, and thus leading the litigants to bring their suits before him; but I do not see that I can for such small places recommend a larger allowance than the head man will in his capacity of Revenue Maniakaren, be entitled to under the new system of village establishments. In towns, on the contrary, it may be presumed that there really are many petty claims lying dormant, because of a want of a competent tribunal to take them up, and that ample work would be found for a competent Moonsiff, if specially paid for discharging the duties of a village Moonsiff. I have therefore confined my application for Moonsiffs to towns with a population of ten thousand souls and upwards, as entered in Statement No. 2 accompanying.

6. Under the provisions of Regulation IV of 1816 the head man of the village entrusted with the collections of the revenue is the constituted Moonsiff of the village. But it has been the practice in many places for one man to collect the revenue, and another to perform Moonsiff's duty. Under the new system of village establishments, it is ordered that there should be but one Maniakaren for the performance of the duties of collecting the revenue and managing the village affairs, and he will be the village Magistrate; and according to the Regulation quoted, he should also be village Moonsiff. But in the towns in which it is proposed that a paid Moonsiff should be allowed, it is the opinion of the Collectors that the village Maniakaren or head man will have work enough to do without being burdened with the disposal of Civil suits, and in this opinion I coincide. If the petty suits are numerous (as it may with reason be supposed they will be in all towns, where a man is appointed, and specially paid for the disposal of such suits) the revenue officer will not be able to undertake the work satisfactorily. And I would recommend that there should be two head men of such towns, to one of whom should be entrusted the general duties of the village as Maniakaren or Potail, and to the other, under the designation of Moonsiff, the civil jurisdiction and also the magisterial duties of the village. Notwithstanding this is frequently the practice at present it seems to me that it is not quite consistent with the letter of the law, as defined in Section III, Regulation IV of 1816; and that Regulation may require

some modification, so as to allow of a person other than the head man who collects the revenue being nominated as Moonsiff.

7. The immediately adjoining small villages might be added to the Moonsiffs' jurisdiction if forming part of the village, as revised by the village establishment scheme, but not otherwise. It would not be in accordance with law for the Moonsiffs to have jurisdiction beyond their own village or town; the Moonsiff should, wherever practicable, be selected from one of the head inhabitants of the town, and must be a resident.

8. The emoluments and establishment for these Moonsiffs need not, I think, exceed the sum I have allowed, viz., 20 and 25 Rupees, at least for the present or until it is ascertained what their work will be; I would not however disturb the rates which are now paid in a few towns for this office. One of the village servants allowed in the scheme of village establishments might be taken to summon witnesses, and attend on the Moonsiff, but it will be better to give him a man for himself on the same pay, 3 Rupees a month, as I have allowed to the village servants. As the Curnum's time will be fully occupied in such towns, he will not be able, where there is much civil work, to aid the Moonsiff, and a separate allowance might have been necessary to provide the Moonsiff with an Assistant to write decrees; but, with the salaries the Government are willing to give them, I think this will be unnecessary, as they will be men who can write their own decrees.

9. The salary proposed for the Moonsiffs by the several Collectors is 10, 15, 20 and 25 and 30 Rupees generally, though in a few instances they are lower than 10 Rupees, and in one case as high as 40 Rupees. Considering the amount of work that these town Moonsiffs will have to perform, and the petty nature of the suits that will come before them for adjudication, and the position in the place as one of the head men of the village, that the persons selected for the office are likely to hold, I do not now think that it will be necessary to make their salaries very large, or out of proportion to the emoluments of the head man or the Curnum of the village. Their work will not be so arduous as that of the Curnums, and perhaps generally not heavier than that of Potails; the *highest* remuneration allowed for these officers in the village scheme is 12 Rupees a month to the Potail, and 18 Rupees to the Curnum; a remuneration in conformity with that given to the other village officers would seem to me to be sufficient, but Government have already expressed an opinion that the salary should not be less than 20 Rupees, I have therefore fixed two rates of 20 Rupees and 25 Rupees for the salaries of the Moonsiff; and given them a village servant on 3 Rupees. These two rates have generally been allotted with reference to the size of the town.

10. There are 44 towns with a population of 10,000 souls and upwards and for these towns a Moonsiff may be given. If the number now recommended, or any portion of it be sanctioned by Government, others can at a future time be added if deemed expedient after experience has been gained as to the working of this new establishment.

11. The cost of the whole establishment now submitted for the sanction of Government is 1,128 Rupees. Provision has been made in the Budget for 1863-64 to meet this expenditure. It will, I surmise, be a judicial charge, unless the Government would prefer that it should form part of the village establishment charges. In their Order dated 7th May 1862, No. 1,004, Revenue Department, paragraph 2, the Government seemed to contemplate the charge as a part of the village Revenue establishments. But in their Order dated 20th June 1861, No. 797, the salaries of the town Moonsiffs of Cumbaconum and Tanjore were declared to be a Judicial charge, and the whole charge on account of the pay of the town Moonsiffs has accordingly been provided by the Board in the Budget for 1863-64 under Law and Justice.

12. The duties of the Moonsiff will be simple, and easy and honorable, to be conducted in conformity with Regulation IV of 1816, and confined within the jurisdiction assigned by that Regulation. If it is deemed expedient to have a better class of Judges than is contemplated by that law, and to pay them high salaries, it would, I think, be better to constitute more District Courts or Small Cause Courts, with a larger jurisdiction than is contemplated by the Regulation in question. My proposition has in view simply village Moonsiffs constituted according to that Regulation, specially paid for the performance of those duties in large villages or towns.

13. I shall conclude this letter with a short resumé of the Collector's reports, and my observations on each. Two Statements are enclosed, the one showing the number of Moonsiffs as proposed by the Collectors, and the other the establishment as proposed by me with the cost of each.

14. The Collector, Mr. Forbes, gives a list of twelve towns at which in his opinion it is desirable to appoint village Moonsiffs. He recommends that grants of land yielding an annual revenue of 120 Rupees should be assigned to the office, and that each Moonsiff should also have a Gumáshta and a Peon paid by a monthly salary of 6 Rupees and 3½ Rupees

Ganjam, dated 26th July 1862.

respectively, and a stationery allowance of 8 Annas. The places named by the Collector are however generally small, and the statement shows that in none but two are any suits now disposed of by the village Moonsiffs. I would for the present confine my recommendation for the appointment of town Moonsiff to the two undermentioned towns:—

Berhampore	11,530
Chicacole	11,828

15. Mr. Forbes has before recommended the village Maniakarens being paid by grants of land, but I have not supported this recommendation.

16. For the two town Moonsiffs now recommended the following is the proposed cost:—

	RS.
Berhampore Moonsiff	20
,, Peon	3
Chicacole Moonsiff	20
,, Peon	3
Total...	46

17. Mr. Carmichael, the Acting Collector, is entirely opposed to the scheme of placing people of the grade of Maniakaren in large towns for the disposal of suits cognizable by village Moonsiffs on the ground that with the paltry salary which Government would allow, persons with proper qualifications as Judges or as honest men would not be found. The old village Moonsiff who has rent free lands for managing the revenues of the village, is, he observes, because of his influential position, entrusted with judicial functions, which he transacts for nothing, and he no doubt gets through a fair amount of work either as judge, or arbitrator, or convener of the village Punchayets; but for towns this simple state of things does not answer, and Mr. Carmichael is of opinion that the proper remedy is not to create a host of ill-paid and therefore uneducated Judges, but as the Government are now doing, by placing competent tribunals in convenient circles, by establishing Small Cause Courts and the like, to bring all large towns within reasonable reach of these superior judicatories. He has not therefore submitted any scheme for town Moonsiffs.

Viragapatam, dated 23rd July 1862.

18. It may be very true that in many instances the head men of a village where substantial and possessing influence, do, as Mr. Carmichael says, settle many disputes, and it is desirable that they should be encouraged to do so still, especially in the more rural parts of a District. But notwithstanding the complaint has been, that many of the village ex-officio honorary Moonsiffs entirely neglect this part of their duty on the plea that they are not remunerated for it, and are otherwise disinclined to trouble themselves with suits, or that the parties prefer having recourse to the established Courts; and in towns especially it has been deemed expedient to have a better remunerated officer to dispose of the numerous petty suits that are now carried to the higher Courts, and in the scheme as proposed by the Government there would not be a host of these town Moonsiffs, but only two or three in each District. But if the Government are prepared to establish a larger number of Small Courts with highly paid Judges as proposed by Mr. Carmichael, they would supersede the necessity of town Moonsiffs.

19. The Collector of Godavery, Mr. Purvis, names three towns, at which it is desirable to have town Moonsiffs, who, he thinks, should be distinct from the Maniakaren, as the duties to be performed would be sufficient for two men. He would make the Moonsiff the village Magistrate also, and would give him the same remuneration, viz., Rupees 120 per annum, as it is proposed to give to the Revenue Maniakaren. He would also allow a Gumáshta on 7 Rupees a month or 84 Rupees per annum to each of these officers. The towns are all of considerable size, but the number of the petty suits in them is apparently not many.

Godavery, dated 24th July 1862.

	Population.	No. of Petty suits.	
		Disposed of by the village Moonsiff.	Taken to higher Courts.
1. Rajahmundry	15,318	19	68
2. Peddapur	9,095	32	21
3. Ellore	20,346	...	39

20. The necessity for a Gumáshta is questionable, but I have recommended the following allowances :—

	Rs.
Rajahmundry Moonsiff	20
Do. Peon	3
Peddadur Moonsiff	20
Do. Peon	3
Ellore Moonsiff	20
Do. Peon	3
Total...	69

21. Mr. Thornhill, the Collector of the Kistna District, had already proposed in his letter* of the 21st January, town Moonsiffs for the two chief towns of Masulipatam and Guntoor. He now mentions thirteen other large and populous villages, at which he deems it desirable to have competent judicial officers. But he proposes to unite some of the villages under one Moonsiff, and so to reduce the number of Moonsiffs to eight for these thirteen villages. He remarks that in the Masulipatam portion of the District, the office of village Moonsiff is purely honorary, and that a great number of those Moonsiffs are quite useless. In the Guntoor portion they are paid, and some are intelligent men. In some cases he proposes that the revenue officer should be also the Moonsiffs, in others that the two offices should be separate. In the statement accompanying his letter he gives his reasons for appointing these Moonsiffs in each case.

Kistna, dated 17th June, 3rd July 1862.

* See my letter to Government, dated 28th March 1862, No. 1,222.

22. Mr. Thornhill's recommendation for town Moonsiffs at most of these places seems to be grounded on the circumstance of the villages being large, mercantile places. But judging from the table, it is seen that with the exception of Masulipatam and perhaps Kundapilly, there are but a very few petty suits (which are cognizable by village Moonsiffs) disposed of by those officers, or transferred to the higher Courts ; and the conclusion to be drawn from this fact is, that the suits in which these merchants are concerned are generally for sums above the amounts cognizable by village Moonsiffs. The necessity therefore for the class of town Moonsiffs now proposed seems questionable. It would be better perhaps if necessity calls for such a measure, to institute Small Cause Courts, with more extended jurisdiction. At Masulipatam there should certainly be a town Moonsiff (if a Small Cause Court is not established), and at Guntoor perhaps a separate Moonsiff might, as recommended by the Collector, be allowed. But at the other places the village Maniakaren with the better remuneration that he will enjoy under the revised village establishments, will be sufficient at least for the present. I will therefore confine my recommendation for town Moonsiffs to those two towns, with the annexed establishment :—

	Rs.
Masulipatam Moonsiff	20
Do. Peon	3
Guntoor Moonsiff	20
Do. Peon	3
Total...	46

23. The Collector, Mr. Dykes, says there are no large towns at which it would be desirable to have Moonsiffs for the disposal of suits cognizable by village Moonsiffs, and he is of opinion that when there are such towns recourse should be had to the better qualified Civil Courts of the country. But the town of Nellore contains a population of 25,000 and upwards, and I consider it would be a convenience to the people to have a separate Moonsiff for the disposal of petty suits in that town. I therefore entered in my Statement for Nellore :—

Nellore, 1st September 1862.

	Rs.
A Moonsiff on	20
Peon	3
Total...	23

24. The Collector of Cuddapah, Mr. Wedderburn, takes a similar view, and cannot recommend the appointment of specially paid town Moonsiffs any where in his District. The village Moonsiffs do not now exercise their legal powers, because of their dislike to the trouble of reporting suits

Cuddapah, 17th July 1862, No. 9.

disposed of by them. Mr. Wedderburn's objections to the scheme are, that there are very few village officers sufficiently removed from the class of ignorant cultivators to be able to pronounce a legal decision, and that the extended exercise of their powers would be rather detrimental than otherwise to village society ; that petty disputes about land, &c., are much better settled by private arbitrations, than by legal process ; that when the dormant spirit of litigation is excited by giving additional salaries in certain villages, it will prevent the usual mode of amicable settlement, consequent on the inconvenience to both parties of going to law ; that Moonsiffs' Gumáshtas will be incited to foster quarrels, and village lawyers be multiplied. And that as the present practice of verbal decisions, without entering and reporting them, seems to be best suited to the agricultural character of the people, and of their village officers, he sees no grounds to recommend extra expense to Government, or extra trouble to the heads of villages, or to originate the jealousy that would be caused by feeing some village officers and not others.

25. Mr. Wedderburn is partly correct, I think in these opinions as general rule in agricultural Districts, but his reasons are inapplicable to large towns, and I would let the experiment be tried in the chief town of the District, Cuddapah, where there is a population of more than 14,500 persons. I have entered accordingly a Moonsiff for Cuddapah on Rupees ... 20 0 0
A Peon on Rupees ... 3 0 0

Total... 23 0 0

26. The Acting Collector of Bellary, Mr. Foord, names four towns in the District at which it is desirable to have town Moonsiffs. He recommends that they should also be invested with magisterial authority to dispose of cases arising in the town, which are cognizable by the village Magistrates. The number of petty civil suits disposed of or disposable, by village Moonsiffs, is in no case in those towns so great as to make it necessary to entertain the services of a village or town Moonsiff as a separate officer. In the town of Bellary there is a District Moonsiff's office, and the number of petty suits carried there amount to only thirty-five in the year. In the other three towns the number of suits disposable by village Moonsiffs is only 1—6 and 12 respectively. But Bellary and Adoni are both large towns, and if an officer specially appointed to take cognizance of petty suits, were located at those two towns for this duty, and for attending to the magisterial work, it would probably be a benefit to the people, and more petty suits would be brought for settlement : as these two towns come within the scope of the Government's intention, I have added them to the list with the following charges :—

Bellary, 9th June 1862.

	Rs.
Bellary Moonsiff	20
Do. Peon	3
Adoni Moonsiff	20
Do. Peon	3
Total...	46

27. A Moonsiff for the town of Kurnool has been already sanctioned by Government at a cost of 25 Rupees, which sum was included in the village establishment, but it will now have to be transferred to the Judicial charges, and I have entered it in my list and added a Peon on 3 Rupees.

Kurnool.

28. There is another large town, Cumbum, with a population above 13,000, which also, in accordance with the scheme, should be included in the list of town Moonsiffs which I have now done.

29. The cost for this District will accordingly be.

	Rs.
Kurnool Moonsiff	25
Peon	3
Cumbum Moonsiff	20
Peon	3
Total...	51

30. Mr. Cunliffe, the Collector, has sent a list of 13 villages at which he proposes that Civil Moonsiffs should be located. He observes that one of the village Maniagars is generally the magisterial Moonsiff and another, if competent, might be the Civil Moonsiff. But neither the population, nor the number of petty suits in most of those villages, would justify me in recommending separate Moonsiffs for them. There is indeed but one town only, Conjevaram, at which it seems

Madras, 21st August 1862.

necessary to locate an officer of the kind, though at three other villages, Sydapett, Pillapolliam and Trivellore, it might be convenient to have Civil Moonsiffs. But my recommendation is confined at present to the town of Conjeveram with a population of 18,800 for which I have provided :—

A Moonsiff on	25
A Peon on	3
Total...	28

31. The Acting Collector of North Arcot, Mr. Fraser, recommends town Moonsiffs at three places at which there can be no question as to the necessity of having an Officer of the kind.

North Arcot, 24th June 1862.

The towns are :—

Vellore where the population is	25,512
Wallajapett	12,162
Ranepett and Arcot	18,060

These towns are all Mohturfa villages ; the village servants were paid out of the Mohturfa collections, but, since that source of revenue has been abolished, are now left without remunerations.

32. Wallajapett and Ranepett have not been included in any of the revenue village establishments in the scheme submitted with my letter to Government, dated 11th July 1862. Vellore and its Pettahs have been clubbed in one or other of the new village circles. It has a land revenue of upwards of a 1,000 Rupees and a Maniagar. But now that the separate Mohturfa Maniagars have been discontinued, the land revenue Maniagar will not be equal for the duties of Moonsiff in so large and populous a town, and a special town Moonsiff is necessary for the judicial and magisterial duties of Vellore and its annexed Pettahs.

33. The number of suits in a year disposed of by the former Moonsiffs of Vellore was 671. In the other two towns the suits were only 56 and 26 respectively : from which fact it may be surmised that in these mercantile places the suits exceed the limits of a village Moonsiff's jurisdiction. I have added the town of Arcot to Ranepett as forming the charge of one Moonsiff: the joint population will be about 18,000 inhabitants. The salaries proposed by the Collector, it will be seen, are very small, but I have put at the three towns in the same footing as others in accordance with the opinion of Government.

34. The Collector of South Arcot, Mr. Reade, furnishes a list of 22 places, towns and villages in the District, at which, in his opinion, the services of paid Moonsiffs may prove both useful and acceptable to the people in the disposal of petty suits within their cognizance. He divided the towns into two classes, viz., eight first class and fourteen second class according to their importance. The first class towns are stations of the higher Civil tribunals ; but the employment of village Moonsiffs at these stations, would, he thinks, afford great relief, not only to the parties but to the Courts as well. The second class are the inferior towns where already the village Moonsiffs are very useful in disposing of petty suits, but are not remunerated for it.

South Arcot. Letters dated 20th June 1862, 28th August 1862.

35. Mr. Reade observes that the appointment of these Moonsiffs will tend to bring the administration of justice to the doors of the poorest class who at present, from real inability, and a variety of other causes, are precluded from seeking redress in our existing Civil Courts. The Moonsiffs at present, he believes, are not idle, but being unremunerated are tempted to make their officers subservient to their own advantage, and their entering at all on suits is practically optional, and their decisions are obviously liable to influences which would probably cease with the grant of proper remuneration. He proposes to give them jurisdiction in neighbouring villages, and in some cases would make the village Mahagar or head man, the Moonsiff also ; who are a class generally in good repute with the people, and the majority of them are decidedly of the most respectable and intelligent of their respective communities.

36. The cost of the scheme as proposed by Mr. Reade would be 4,440 Rupees per annum, an expenditure which he is of opinion can hardly be deemed excessive, when the benefit which will follow as a certainty are taken into the account. The establishment is as follows :—

	RS.
First Class, 8 Village Moonsiffs at 15 Rupees	120
Do. 8 Gumáshta and Saderwarid at 5 Rupees	40
	160
Second Class, 14 Moonsiffs at 10 Rupees	140
Do. 14 Gumáshtas at 5 „	70
	210
Per month	370
Per year	4,440

37. It appears by a Statement forwarded by Mr. Reade that the number of petty suits disposable by village Moonsiffs, but filed in the Sudder Ameen and District Moonsiff's Court of South Arcot District, amount on an average of three years to about 691 per year. But this is for the whole District, and for suits filed in five courts. The whole number would not be more than a single Court for petty suits might dispose of in a year. If town Moonsiff's Courts were established under properly remunerated officers many of these suits would probably be disposed of by a town Moonsiff but not all. In the District Moonsiff's Court at Cuddalore there is the greater number of petty suits, averaging 242 per year ; but it is not certain that the appointment of a village or town Moonsiff at Cuddalore, having jurisdiction within the town of Cuddalore only, would greatly relieve the Court, for the present village Moonsiff already disposes of 118 cases on an average, and in five other villages, within the same jurisdiction of the District Moonsiff's Court, at which Mr. Reade proposes to place town Moonsiffs, the village Moonsiffs now dispose of a number of suits averaging annually 1,082 suits among them.

No. 2 in his letter.

38. I do not think it necessary to recommend specially paid village Moonsiffs for all the 22 places named by the Collector. Taking the population of the village, and the number of suits now disposed of by the village Moonsiffs of these larger towns as a guide, I would limit my recommendation at present to the following four towns. To these I should have added the town of Cuddalore, had it not been that a Small Cause Court has lately been established in that town. The other four towns are :—

		Population.	Suits disposed of now by the existing village Moonsiffs		Proposed establishment.					
			Average of 3 years	In 1861.	Moonsiffs		Peons.		Total.	
					No.	Amount RS.	No.	Amount RS.	No.	Amount RS.
1	Chetumbaram.	17,271	70	184	1	20	1	3	2	23
2	Puncoaty.....	10,258	564	803	1	20	1	3	2	23
3	Porto Novo...	10,224	181	317	1	20	1	3	2	23
4	Palavanoor....	10,188	34	78	1	20	1	3	2	23

39. In making this selection I have taken those places which have a large population, and may come within the intention of Government. There are petty suits, as many and more, adjudicated at smaller places, but there may be various reasons for this. It is sufficient perhaps to provide a paid Moonsiff, as a general rule, with reference to the size of the place.

40. If at a future period, it be deemed expedient to give a town Moonsiff to other places, it can be done, but for a trial the four towns now named may suffice.

41. The establishment for South Arcot would be :—

	Salaries of Moonsiffs.	Peons.	Total.
	RS.	RS.	
1 Chetumbarum	20	3	23
2 Punacoaty	20	3	23
3 Porto Novo	20	3	23
4 Palavanoor	20	3	23
Total	80	12	92

42. There are at present in the Tanjore District two town Moonsiffs at Tanjore and Cumba-
Tanjore, dated 2nd June 1862. conum, on receipt of a salary of Rupees 40 and 37-2-3 respectively per month. I do not propose to meddle with these till the orders of Government are communicated to me. But as Tanjore is now the head quarters of a Small Cause Court, it seems unnecessary to retain the Moonsiff at that town, and the salary of the Moonsiff at Cumbaconum, as well as that of the men at Trichinopoly, should eventually, when a vacancy occurs, be reduced to 25 Rupees, and a village Peon on 3 Rupees may be given to each.

43. The Acting Collector, Mr. Morris, has now in reply to my Circular, selected four other large towns in which he recommends the appointment of village or town Moonsiffs, viz.:—

Negapatam.
Tranquebar.
Mayaveram.
Manargudi.

Nearly 1,000 petty suits cognizable by a village Moonsiff are now either disposed of by the present Moonsiffs, or else transferred to the higher Courts.

44. Mr. Morris recommends a salary of 30 Rupees each, and an office establishment of 10 Rupees, in all 40 Rupees each; and he considers that the Moonsiff should not be the Maniakaren of the village, and that he should have nothing to do with the collection of money, but exercise only the powers vested in him by Regulation IV and XI of 1816; he explains that there is in reality very little difference in the size of the four towns selected by him. Negapatam is however now the seat of a Small Cause Court, and I see no necessity to give a Moonsiff also for that town. But for the other three towns, the establishment I would recommend is as follows:—

	Moonsiff.	Peons.	
	Rs.	Rs.	
Tranquebar	25	3	
Mayaveram	25	3	
Manargudi	25	3	
Total	75	9	Total Rupees 84

45. In Trichinopoly District there are at present two town Moonsiffs and the Collector
Trichinopoly. proposes to retain the town Moonsiff for the town of Streerungum, adding some adjacent villages to his jurisdiction, the population of which together amounts to 36,218 persons. The present village Moonsiff at Streerungum disposes of about 486 suits in a year; the Collector estimates that the number of suits from the other villages will amount to about 1,000 suits in the year. The present Moonsiff is paid a salary of only 7 Rupees a month, and that out of the Pagoda funds, which is irregular, and is protested against by the Pagoda Trustees. The Collector recommends the appointment of a competent person on 25 Rupees a month.

46. There is a town Moonsiff also for the town of Trichinopoly, who now receives a salary of 40 Rupees a month. Mr. McDonell proposes to extend his jurisdiction over 12 other villages, so that a population of about 25,000 in all will be under his cognizance, and he will probably dispose of about 1,500 suits a year. He now adjudicates about 1,000 suits yearly. The suits of these adjoining villages are now carried to the Conad District Moonsiff's Court, or adjudicated by the respective village Moonsiffs. The advantage of transferring them to the Trichinopoly village Moonsiff is, that the suits would be disposed of by a competent officer, and the Conad Court relieved. The majority of the village Moonsiffs are not capable of exercising the power vested in them (*see* Collector's letter dated 23rd June 1862).

47. I do not propose to interfere with the allowance of the present Trichinopoly Moonsiff, but on the principle explained in the early part of this letter, the salary of this situation on a vacancy occurring, should hereafter be modified, and reduced to 25 Rupees, with a Peon on 3 Rupees.

48. The establishment therefore for these two Moonsiffs will be as follows:—

	Rs.
Trichinopoly Moonsiff	40
Streerungum do.	25
Do. Peon	3
Total	68

49. Mr. Levinge was disposed to recommend a Moonsiff, but for one town in the District,
Madura, 25th July 1862. the town of Madura, where the population amounts to 48,886 souls. The duties of the village Moonsiff are performed now by the Sub-Magistrate, who disposes, on an average of 445 suits a year; but surely this functionary has

no legal authority to decide Civil suits. Mr Levinge says that on account of his magisterial duties he is not well able to perform these civil duties in addition, and he would have recommended a town Moonsiff had not a Small Cause Court been lately established, which renders a Moonsiff's Court in addition unnecessary; and no Moonsiff is therefore proposed for Madura District.

50. The Collector of Tinnevelly recommends the appointment of a village (or town)
Tinnevelly. Moonsiff in the town of Tinnevelly. It appears that the present incumbent who disposes of about 370 cases in the year receives no remuneration whatever from the Government for his services. He was appointed by the
From Collector, dated 22nd May 1862. Collector in 1859 as Kutwal and village Moonsiff, but lost his office of Kutwal on the introduction of the new Police. He received a salary of 17½ Rupees. The Collector (previous to my Circular of
See Proceedings Board of Revenue No. 1,938, dated 26th March 1862. 28th March last, calling upon Collectors to report where town Moonsiffs were necessary) had at the suggestion of the Civil Judge
Do. No. 1,231. of Tinnevelly recommended that the Moonsiff of Tinnevelly should be remunerated for his work, and that his pay should be 30 Rupees a month. The establishment he proposes is the following:—

	Rs.
1 Moonsiff	30
1 Gumáshta	7
1 Peon	5
Total	42

The town Moonsiff is not the head man of the village, and Mr. Silver considers that the Maniakaren cannot without interfering with his revenue duties perform the work of town Moonsiff also.

51. There are three other towns with a population exceeding 10,000, which I have also entered in my list, though the Collector has not submitted them; and the following is the establishment of Moonsiffs that would be required for Tinnevelly District:—

	Moonsiffs.	Peons.	
1 Tinnevelly	25	3	
1 Streevullyputur	20	3	
1 Colipatam	20	3	
1 Cayacoorcy	20	3	
	85	12	Total....97
4			

52. Mr. Grant, the Collector of Coimbatore, has named four towns for which he considers
Coimbatore 29th November 1862. a Moonsiff necessary; they are all large places, and I would accordingly recommend that at each a Moonsiff be located as follows:—

	Population.	Pay.
		Rs.
Coimbatore	22,578	25
Caroor	9,087	20
Ootacamund	20,508	25
Coonoor	12,861	20

53. Mr. Arbuthnott has named nine* principal places at which he would have a Civil Moonsiff
Salem, 11th August 1862. paid as such at rates varying from 5 to 15 Rupees per month, in addition to any remuneration he might receive as Revenue Maniagar. At one place, Salem, he has recommended a Gumáshta also; and he has not provided for any Peons, as the
* See Statement No. 1 Moonsiffs, he observes, can employ batta Peons to serve processes; but Regulation IV of 1816 gives no power to Moonsiffs to employ batta Peons to serve process; it would be illegal and contrary to the provisions of Section 32 of that Regulation. Batta Peons can alone be employed in the sale of property attached in pursuance of a village Moonsiff's Decree. As a general rule in Salem District, every Moonsiff is the Maniagar of the village, except in the case of Muta villages, in which the office of Moonsiff is held as an honorary one by some influential ryot; though in two or three cases the Mutadar himself holds the office of village Moonsiff and Magistrate.

54. There is one town, Vaniambady, where the population, it will be observed, is large (10,000), yet there are but eight petty suits cognizable by village Moonsiffs and these were carried to the higher courts. It would seem that in this mercantile town, the suits must generally be for amounts beyond the jurisdiction of a village Moonsiff. And it seems questionable, whether it would

be of much use to have a Moonsiff here; but if town Moonsiffs are to be given, this is a town which from its size would seem to come within the number of those to which Moonsiffs should be given; and the cause of there being so few suits may be that as already suggested there is no *competent* jurisdiction to investigate them. At Salem there should be a town Moonsiff, and probably also at Tripatoor; at these places I have accordingly provided for them as follows:—

	Moonsiffs.	Peons.	
Salem.....	20	3	
Vaniambady.....	20	3	
Tripatoor...	20	3	
	60	9	Total... 69

South Canara.

55. The Acting Collector, Mr. Hodgson, is of opinion that in the town of Mangalore only, is an establishment for a town Moonsiff required. And he would allow a Moonsiff on 15 Rupees, and a Gumáshta on 5 Rupees per month respectively. The number of suits disposed of by the Moonsiff is stated to be 103 suits, and it appears that he does not dispose of all suits cognizable by him, as eight-four were taken to the higher courts. If he were properly remunerated, I have no doubt he would dispose of all. The Moonsiff he considers should be a different individual from the Maniakaren.

See letter to Government, dated 2nd June 1862, No. 1,282.

56. There are however four other towns in the District, viz., Mulki, Buntwal, Cassergodi and Udipi, at these places the Potails can, the Acting Collector observes, continue to dispose of Civil Suits, but he thinks they should be specially remunerated on this account, and he is of opinion that 6½ Rupees per month in addition to the pay which they will receive as Potails (only 42 Rupees a year as recommended by me) is the lowest that will secure the services of really efficient persons. But the necessity of this extra charge is not very apparent. In none of the towns alluded to are there at present more than 36 petty suits per year, which are disposable by the village Moonsiff. In Buntwal and Cassergodi, the Potails have disposed of 12 and 27 respectively, and 20 and 3 suits have been taken to higher Courts. In the other two Courts the Potails have not adjudicated on any suit disposable by them. An extra remuneration, as proposed by the Acting Collector specially for this object, would probably produce suits and more would be disposed of; but at present I see no necessity for recommending an allowance in these cases.

The establishment provided for the Town Moonsiff of Mangalore is:—

Moonsiff.....	20
Peon..... ...	3
	23

Malabar, 14th November 1862.

58. Mr. Ballard, the Collector, of Malabar, while expressing a doubt as to the expediency of entertaining Moonsiffs for the disposal of suits cognizable by village Moonsiffs in any of the towns of that District, is yet disposed to try the experiment in the town of Cannanore, but not elsewhere. Cannanore is a populous town and no Moonsiff is available on the spot, the nearest Adighari or village Moonsiff is 3 miles distant, and the inhabitants rather than incur the inconvenience of resorting to him, would refrain from suing their debtors for the recovery of such petty sums as come within his cognizance. The nearest District Moonsiff is 12 miles distant. At Cannanore neither is there a village Magistrate to take up petty cases of a Police nature. There should be a Town Moonsiff at this place, and if hereafter it is deemed advisable, a Town Moonsiff might be placed at three other towns in the District, viz., Calicut, Ponani and Cochin, but the Collector does not recommend this at present.

59. I do not see the necessity of allowing a Gumáshta as provided by the Collector. The number of petty suits in the village appear to be only 19 suits. I would however add to the Collector's list the three towns mentioned above and have entered the annexed cost:—

	Moonsiff.	Peons.	
Cannanore.....	25	3	
Calicut.....	20	3	
Ponani.....	20	3	
Cochin.....	20	3	
	85	12	Total... 97

60. The Government will see by a reference to the Statement No. 1 enclosed, that the number of petty suits in the town is frequently, as I have already remarked, very small. But

my impression is, that this arises from the fact that there is not an Officer whose special duty it is to attend to the work, and that the appointment of men now proposed will prove by the number of petty suits that will hereafter be brought for adjudication, the correctness of the surmise.

ORDER THEREON, 30th January 1863, No. 217.

Referred to the Judicial Department, as "Town Moonsiffs" if appointed will be employed solely on Judicial duties, and their salaries consequently will not form a charge against the Revenue Department.

(True Extract.)

Secretary to Government.

To The Honorable [illegible]
" Judicial Department.
" Board of Revenue.

with 2 Rig. Relay

Exd. S. T. Augustin.

Judicial Department

Memorandum for Orders.

Revs. & Govt. Rev. Departt. - Dated 30th Jany 1863 No. 217.

It appears to me very questionable whether the grade of Town Moonsiffs, which it is proposed to create, is wanted. Since the order of Govt. in the Revenue Dept. of the 4th May was written, a Bill has been introduced into the Legislative Council for largely increasing the number of Small Cause Courts by investing all District Moonsiffs with Small Cause jurisdiction. Under these circumstances I doubt the necessity of establishing a number of Town Moonsiffs Courts, which will involve an addition of Rs 13,536 to the Budget for Law and Justice for 1863/64.

I may as well consider how this extension of the Small Cause Courts should be worked.

Under

Rev. 10th Feby 1862 No 104-109

Govt. Resn. dated 5th Feby 1863 No 217

S.O. No 353

Revenue Dept.
Revenue Department
Dated 2nd Feby 1863.
Read
Ordered
That the Proposition submitted by the Hon'ble Sir T. Pycroft, Judge of the Court of Small Causes at Poonamallee, for the establishment of a Court of Small Causes at Tripassore, be sanctioned.

Copy

under which head there must of necessity be a very heavy increase of charge.

W Cruttwell

I think that in Lord de Grey's letter will be the effect of our proposed S C Comm- Will depend in entertaining any plan for settling up Town Property - and I suppose that no provision for any addition to the latter class of Officers need be made until Genl Burgoyne's 5 July/63

B/11/K

Jud. Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Proc. of Govt. in the Rev. Depart.

(Here enter 30th June 1863 No 17)

Order thereon 5th March 1863 No 353

The Governor in Council considers it questionable whether there is any necessity at present for incurring the charge involved in the establishment of a body of Town Swordsmen, as proposed in the letter recorded in the foregoing Proceedings.

2 Since the order of Govt in the Rev. Dept under date the 7th May last was written, an Act has been passed by the local legislature

and

Rev. Cons.
Judicial 8th March.
No 353.

Proceedings of Govt

5th March 1863.

353

Copied
Rep. Dept

22725

and has been forwarded to the Viceroy for his assent which will have the effect of largely increasing the number of Small Cause Courts, by investing all District Moonsiffs with Small Cause jurisdiction. It will be advisable to defer incurring the charge now proposed, until the result of the Enactment in question shall have been seen.

L/M

26 Encl.

To the Rev. Depart 21 / 5 } dest 2nd 7/3/63
With 2 enclosures ret'd