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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 258 ~~2884~~ Press Mis.

206-221

Dated 26 2 ~~19~~ 1884

33/34

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 26th February 1864.

Read the following papers :—

No. 306. From C. A. ROBERTS, Esq., Acting Civil Judge of Chittoor; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chittoor, 5th October 1863.

With reference to the Order of Government, dated 26th August 1863, No. 1378, I have the honor to submit a copy of my letter to the High Court dated 3rd instant, together with its enclosure, copy of a letter from Mr. Davidson, regarding the location and jurisdiction of the Small Cause Court of this Zillah.

From C. A. ROBERTS, Esq., Acting Civil Judge of Chittoor; to C. F. CHAMIER, Esq., Registrar of the High Court of Judicature, Madras, dated Chittoor, 3rd October 1863.

In accordance with the Order of Government, No. 1378, of the 26th August last, I have the honor to submit a copy of Mr. Davidson's reply to Mr. Harris's reference, and my own opinion, on the subject of the location and jurisdiction of the Small Cause Court of this Zillah.

2. Mr. Davidson, it will be observed, is very decidedly of opinion that the head quarters of the Court should be at Vellore, with occasional sittings at Tripaty and Palmanair, the out-stations recommended by the High Court, and suggests that aid might be afforded to the Session Judge of Chittoor were the Small Cause Judge to hold Sessions during the first few days of his residence at such out-stations.

3. He is of opinion that the authority given to District Moonsiffs under Act IV of 1863, leaves it optional with parties to file such suits in the Small Cause Court, a course which he has observed to be very greatly preferred, and that therefore the question of the Small Cause Judge sitting at out-stations is not affected by the jurisdiction conferred on District Moonsiffs.

4. Mr. Davidson comments with surprise on the delay in Small Cause Suits as stated in paragraph 8 of the Government Order under reply, and specifies a period of 25 or 26 days as the average duration of a suit in his Court, and proceeds to detail the plan he has adopted for the working of his Court which appears to me admirable.

5. He finally urges that Small Cause Judges should be invested with power to punish parties intentionally omitting to appear in reply to summonses of their Court, and with authority to frank their official correspondence.

6. Before entering upon my own views on the subject, I would call the attention of the High Court to the remarkable difference between the working of his Court as stated by Mr. Davidson, and that of my own Court as may be judged from the state of my file on the 1st instant. On taking charge of the Court on the 18th ultimo, I still found 12 Session cases to dispose of, which occupied me fully for eight days, and the Sessions for the current month commencing on the 5th instant, the Civil work of the Court is almost at a stand-still. Keeping the above points in view, and after giving the matter my best consideration, I venture to offer opinions differing somewhat from those already expressed by the High Court.

Original suits pending on the 1st October	41
Appeal suits	241
Miscellaneous petitions	130
Execution applications	12

7. In consideration of its being the chief town of the Zillah and on a line of Railway, and its proximity to Arcot, Wallajahnuggur and Gudiattam, I concur in the unanimous opinion expressed by the District Officers in favor of Vellore as the head quarters of the Small Cause Court. But as I am decidedly of opinion that under Section 6, Act IV of 1863, it is no longer within the jurisdiction of a Small Cause Judge (except when so specially authorized), to try suits under Rupees 50 in value, and as it appears to me that the tours proposed would be productive of so great delay in the transaction of business as to injure rather than benefit the public generally, I am averse to the moving of the Small Cause Court from one place to another. I would not however for the present recommend that the local jurisdiction of the Small Cause Court should be limited. It were better, in my opinion, to give the experiment a further trial before making such a change.

8. With regard to the aid which the Small Cause Judge will under present circumstances be probably able to afford, and of which my own Court stands in so great need, I have the honor to suggest that the Small Cause Judge should be vested with the original Civil jurisdiction of a Principal Sudder Ameen, and that he should be authorized, if his file permit of it, to try Appeals transferred to him for that purpose by the Civil Judge. Some little difficulty may arise in regard to the absence of Vakeels from the head quarters of the Civil Court, but this may probably be met by the Small Cause *Judge* fixing the week occupied at Chittoor by the Sessions for the hearing of Civil suits and Appeals in his Court.

9. A Joint Magistrate being located at Vellore, I do not propose that the Small Cause Judge, if stationed there, should be vested with any criminal powers, nor were he to make tours as proposed. Would Mr. Davidson's suggestions of holding Sessions on such occasions be likely to meet with approval, I would however very strongly urge the necessity of my being relieved of the Magistrate's charge of the town of Chittoor. It appears to me a serious waste of time and money that the Session Judge should be employed, as happened last week, in trying a petty Larceny case,* the value of the property stolen being eight Annas. There are three cases of a like nature committed for trial at the close of the coming Sessions, the investigation of which will occupy time greatly needed for the long arrears of Civil work.

* Theft from a dwelling house.

10. In conclusion I beg fully to concur with Mr. Davidson in his request for authority to punish wilful non attendance at his Court, and to frank his official correspondence. The latter needs no further comment on my part, and with regard to the former, the moderate powers claimed by Mr. Davidson, similar to those granted under Act I of 1863, would probably answer the purpose, and their being conceded to the Small Cause Judges appears to me unexceptionable.

11. Should it be decided that the Small Cause Court be fixed at Vellore, I would suggest that the Judge be vested with "exclusive special jurisdiction" in the town of Vellore and in the villages within 3 miles of his Court House, and that the District Moonsiff's Court be transferred from Vellore to Pollicondah, which would be equally convenient with regard to the limits of his jurisdiction, and where he would find a Government building, that lately occupied as a Taluq Cutcherry, available, without incurring the proposed expenditure of Rupees 2370 for building him a new Court House at Vellore, to which the sanction of Government was at one time given, but subsequently withheld under the Government Order No. 1497 of the 17th ultimo.

(True Copy.)

(Signed) C. A. ROBERTS,
Acting Civil Judge.

From R. DAVIDSON, Esq., *Judge of the Court of Small Causes, Chittoor;* to G. A. HARRIS, Esq., *Civil Judge of Chittoor, dated Vellore, 31st August 1863.*

I have the honor to acknowledge the receipt of your letter of the 29th instant, No. 144, and as requested, beg to offer the following observations in regard to the Proceedings of Government, under date the 26th August 1863, No. 1378.

2. From the experience I have had of the working of the Small Cause Court at Vellore, I have every reason to believe that the transfer of its head quarter from Chittoor to Vellore, as recommended not only by the High Court, but by every Judicial and Revenue Officer consulted, has been attended with most beneficial results; as from its proximity to the Railway, a vast number of suitors, witnesses and others, are relieved of a 20 miles journey to Chittoor and back, and are consequently enabled to return to their homes, on the very same or the following day that they appear at Court. Besides this, Vellore is the largest and most important station in the District, and the Court accommodation which is excellent and costs Government nothing, is conveniently situated in the Fort in the immediate vicinity of the Joint and Sub-Magistrates' Cutcherries, with abundance of stamps always at hand. Looking therefore exclusively to the interests of the Small Cause Court, I would strongly advocate the continuance of its head quarters at Vellore, with occasional sittings at the out-stations recommended by the High Court.

3. As regards paragraphs 1 and 4 of the Proceedings under advertence, I have to remark that, though I am perfectly willing to devote any spare time that may in future be at my disposal towards relieving you of a p[illegible] your Civil Appeal, and Criminal work, I do not think that to attain this object, the efficiency of this Court should be in any degree impaired, as it would be, were its head quarter removed again to Chittoor. Of course as regards the Civil Appeals, it is a matter of not the smallest importance whether the *packets* of records are forwarded to me at Chittoor, here, or elsewhere, and it occurs to me that, if in lieu of the arrangement suggested in paragraph 1, I were empowered to dispose of Criminal cases when at the out-stations, not only would considerable relief be afforded you, as I might occupy the first ten days or a fortnight in holding a Sessions at each out-station, but if only cases within a moderate distance were committed to me, parties and witnesses would be saved the trouble of long marches to the Sessions Court, and as six weeks' notice in the District Gazette is required, prior to the Court's sitting at an out-station, the Magistrate would always have ample time to issue his instruction to his subordinates. The plan I have suggested has this additional recommendation, that with the exception of the time occupied in disposing of your Appeal suits, it would allow of my devoting my undivided attention to the regular work of my Court while at head quarters; and it may be presumed that when there was not full occupation at head quarters, the Court would adjourn to the out-stations.

4. As regards paragraph 2, I do not perceive that the fact of District Moonsiffs being invested with Small Cause Court jurisdiction up to Rupees 50, affects the question of this Court holding sittings at other than the head quarter station; because, according to my construction of Act IV of 1863, no portion of Act XLII of 1860 is cancelled by it; but as it is expressly provided by Section 7, Act IV of 1863, that the said Act is to be taken and read as part of Act XLII of 1860, it implies, I conceive, that limited concurrent jurisdiction alone, is given to the District Moonsiffs; and that it remains optional with parties, to suit their convenience, in filing their petty suits either in the Small Cause or District Moonsiff's Court. I am aware, however, that a doubt as to construction does exist, and trust to be excused for mentioning a circumstance illustrative of the appreciation of the institution of the Small Cause Court in this District, which I have on excellent authority, viz., that parties in the District apprehensive of being debarred from bringing their petty suits into the Small Cause Courts, make it a rule, as far as possible, only to lend sums of money *above* Rupees 50, and I may add that I have equally good authority for stating that instances have repeatedly occurred, in which parties lending large sums, have with the sole object of being able to recover their money through the Small Cause Court, required the borrowers to accept the money in sums of Rupees 500 and under, taking separate stamped acknowledgments for each; and both at Madura and here, I have known repeated instances of parties withdrawing as many as 15 and 20 suits from the Moonsiffs' Courts, and filing them wholesale in one day in my Court. I must not omit to add with reference to paragraph 2 that now, that by Section 4, Act IV of 1863, Civil Judges may be invested with similar powers to those conferred by Section 3 of the same Act, there is less occasion than ever for Chittoor being made the head quarters, and as an extra European Covenanted Assistant Magistrate has late joined at Chittoor, it is probable that ere long he may be able to take charge of the town and Taluq; nor would I recommend that the local limits of this Court's jurisdiction should be narrowed, as the necessity has not yet become apparent.

5. The disclosure made in paragraph 3 has not a little surprised me, but I can answer for it, that nothing of the sort has occurred in this District, as from *January* to *April*, 27 days was the average duration of suits on the file. The Court was closed in May and June, and in July I disposed of 442 suits at a still lower average, and now that I have got the Court into thorough good working order, the time for the disposal of suits has been reduced systematically to the very lowest minimum, being about 23 days from date of filing to judgment; allowing as required by Sections 47 and 48, Rules of Practice, issued by the High Court under date the 8th January 1863, 14 days to the defendants for preparation after receipt of notice, in addition to serving and travelling time at the rate of 24 hours for every 15 miles of journey. As His Excellency the Governor in Council seems to contemplate the re-consideration of the entire construction of the Small

Cause Courts, I venture, at the risk of being considered egotistical, but with all deference to explain the method I have adopted, and found to work admirably in my Court, in view to its being introduced elsewhere, should no better remedy be provided to prevent a recurrence of such serious delay as that shown in the case of Tanjore, and I may be the more readily pardoned for the liberty I am taking when it is borne in mind that such an average as that of Tanjore affects the general average of every other Small Cause Court, no matter how low its own special average may be.

6. My plan is to keep in a conveniently accessible place in open Court, a letter box with a slit in it, into which Vakeels and all others deposit their Plaints, Miscellaneous and other papers. At 4 o'clock, a Gumastah unlocks this box, and arranges all papers in my presence; as soon as they are ready, I note on the back of each plaint, and other paper the date of receipt, and initial it, and by the re-opening of Court next day, every plaint has been examined, and the purport of every miscellaneous paper entered in the proper book, kept for the purpose; and my first act on taking my seat on the bench is to number each plaint received the day before, immediately below the date of receipt; Thus:

Received 27/8/63
R. D.
No. 1500.
28/8/63
R. D.

so that I can see at a glance that no delay has occurred between the receipt and filing of the suit; the plaint notes are then filled in, and as there are no arrears, the suits are set for final disposal in regular order for the 25th day from that of filing. The notices, summonses, &c., are at once issued and the serving peons invariably punished for any delay in service not satisfactorily accounted for.

7. The advantages of the plan are perfect regularity, and the utmost despatch; all parties can present their plaints or petitions direct to the Court, without any corrupt or other interference on the part of any of the Court subordinates. The Court is never interrupted by impatient suitors presenting their plaints, &c., suitors are not detained and by the docketing system, it is apparent at a glance whether any delay has occurred, and a check is kept in a book, of the number of plaints put in each day, which is initialed by myself. Many obstructions and objections were thrown in my way at first, but they one and all disappeared when my fixed determination to carry my plan into effect in its entirety became apparent. The only objection to the method is the necessity of the Judge himself doing so much routine work that might apparently be equally well performed by a subordinate, but the satisfactory result, more than counterbalances the inconvenience, and I feel tolerably certain that much depends on the Judge himself taking this precaution. A stamp would however do equally well if used in the Judge's presence. I experienced very great difficulty in overcoming a most serious evil caused, no doubt, through the inadvertent omission to provide a penal remedy in cases of parties intentionally omitting to attend in answer to a summons from this Court. The subject has repeatedly been under the consideration of the High Court, and it was laid down in Proceedings dated the 9th August and 7th October 1862, that as Section 174 of the Indian Penal Code (empowering certain authorities to imprison for one month, or fine Rupees 500 or both, whoever intentionally omitted to attend in obedience to a summons lawfully issued), was not one of the Sections mentioned in Section 163 of the Code of Criminal Procedure, no proceedings could be taken against the offending witness under that Section, but the Judge might apprehend him under a Warrant, under Section 158 of the Civil Procedure Code, or if necessary, commit him to the Magistrate for trial under Sections 168 and 171 of the Criminal Procedure Code.

8. The consequence was (as I was warned by my predecessor on assuming charge), that in certainly one-third of the suits set for hearing each day, not a single witness for the prosecution appeared, and there was no alternative but for the Court to adjourn the cases and issue warrants for the apprehension of the absentees, and the result was, avoidable delay, great confusion, endless inquiry into the alleged causes (almost invariably false) of absence, and occasionally the committing of the parties to the Joint Magistrate for trial, entailing a vast amount of unneces-

sary work on myself, besides occupying the Joint Magistrate's time. I set myself strenuously to work to remedy this gigantic evil, and with the support afforded me by the Joint Magistrate, have at last almost entirely crushed it. I would however avail myself of this opportunity, most earnestly to urge on the consideration of His Excellency the Governor in Council, the absolute necessity of applying some effectual remedy to this most unsatisfactory state of things, as without it, the prompt disposal of suits cannot be *secured*, and would suggest that great benefit would be derived if even the powers of Act I of 1863, (which enable Sub-Magistrates of the 2nd Class to take cognizance of offences under Section 174 of the Indian Penal Code), were extended to the Judges of the Small Cause Court, as the limited power to punish offenders with simple imprisonment for 10 days, with Rupees three fine, or both, would in most instances meet the exigencies of the case. It is the knowledge that the Court is comparatively helpless at present to punish to even a limited extent, that does the evil, and it is self-evident that a Court can never be thoroughly respected which cannot of itself enforce its own orders. I may mention in conclusion that though most of the Small Cause Court Judges had held important and responsible situations under Government, they were, on being appointed Judges of the Small Cause Courts prohibited from franking their own official letters, and have now to apply to the European or Native Revenue authority or to a Military Staff Officer to frank their official despatches, a state of things that cannot be considered satisfactory, but which I trust may soon be obviated, now that His Excellency has been made aware of it.

P. S.—It is just possible that the delay in the Tanjore case may be partly attributable to the fact of parties filing suits (to prevent their being barred by the Limitation Rules), at the head quarters, with a request that they may be taken up when the Court sits at the nearest out-station. Suits may thus be dormant for months, and the delay will be shown in the Returns though the Court cannot properly be held responsible for it, as it only follows instructions.

(Signed) R. DAVIDSON,
Judge.

(True Copy)
(Signed) C. A. ROBERTS,
Acting Civil Judge.

Statement showing the number and value of the Suits instituted in the Court of Small Causes, Chittoor.

Months.		Number of Suits instituted.	Value of Suits.			Average duration of Suits between filing and disposal.	Remarks.
			RS.	A.	P.		
1863,	January 1st to 31st.	282	26,592	1	10	28	
„	February 1st to 28th.	339	27,087	4	6	26	
„	March 1st to 31st.	360	30,287	1	8	27	
„	April 1st to 30th.	171	15,795	14	3	27	
„	May......	......	......	...	...	......	No Suits were instituted in May and June, as the Court was adjourned.
„	June	......	......	...	...	......	
„	July 1st to 31st.........	221	21,528	6	6	24	
„	August 1st to 31st	142	12,493	7	3	25	
„	September 1st to 30th.	226	16,490	7	10	26	
„	October 1st to 31st	175	15,114	9	0	25	
„	November 1st to 30th...	142	13,485	13	7	26	
„	December 1st to 31st.	115	13,869	11	4	27	
1864,	January 1st to 29th.....	48	8,011	10	2	29	
	Total......	2281	2,01,411	7	11		

(Signed) C. T. LONGLEY,
Acting Judge.

No. 338.

No. 207.

MEMORANDUM.

Judicial Department.

The Chief Secretary has the honor to request that the Civil and Sessions Judge of Chittoor, will be good enough to furnish him with a rough Map of the Chittoor Zillah, showing the charge, of the several Subordinate, Judicial and Magisterial Officers and the head quarters of each.

FORT SAINT GEORGE,
8th October 1863.

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

To the Civil and Session Judge of Chittoor.

No. 208. From C. A. ROBERTS, Esq., Civil Judge of Chittoor; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chittoor, 17th November 1863.

I have the honor to forward the Map called for in your Memorandum, No. 338 of the 8th ultimo.

No. 209. From A. W. SULLIVAN, Esq., Civil *Judge* of Tellicherry; to C. F. CHAMIER, Esq., Registrar of the High Court of *Judicature, Madras*, dated Tellicherry, 12th September 1863, No. 223.

With reference to paragraph 5 of the Proceedings of the Madras Government of the 10th July 1863, No. 1111, Judicial Department, I have the honor, after communication with the Judge of the Court of Small Causes, to submit for the consideration of the Honorable the Chief Justice and Judges my own views on the subject referred to in those Proceedings.

2. I would recommend that the *Judge of the* Court of Small Causes be invested with exclusive special jurisdiction within the limits in which he previously had special jurisdiction, with the exception of the Amshoms under the jurisdiction of the District Moonsiff of Wynad, and of the Amshoms subject to the jurisdiction of the newly appointed District Moonsiffs of Gudalur and Vaitri in Wynad, which latter two have recently been transferred to the Zillah of Calicut.

3. I think it would also be a satisfactory measure that the *Judge* of the Court of Small Causes should be invested with the powers of a Principal Sudder Ameen to hear any Appeals from Moonsiff's decisions which might be referred to him by this Court.

4. The Judge of the Court of Small Causes has suggested this arrangement in order to leave the present Principal Sudder Ameen of Tellicherry to occupy himself in clearing the heavy files of the Tellicherry Moonsiff and others.

5. At the present moment and probably for some months to come the Principal Sudder Ameen will be fully occupied in clearing off the file of the late Moofty Sudder Ameen's Court recently abolished.

6. When that work is completed, the question will probably arise whether, if the arrangement recommended in paragraph 2 of this letter is sanctioned, it will be necessary to keep up the Principal Sudder Ameen's Court in this Zillah or not. I do not concur with the Judge of the Court of Small Causes that a Principal Sudder Ameen should be employed in clearing the files of District Moonsiffs.

7. An obviously cheaper *modus operandi* suggests itself in an addition to the staff of Moonsiffs, if it should be found that the present number are unequal to the work to be performed.

8. The Judge of the Court of Small Causes has suggested that he should be invested with powers under Clause 2nd, Section 8, Act VII of 1843 to receive Appeals from the District Moonsiff of Wynad "when on Circuit at Manantoddy."

9. I am not disposed to support this suggestion; I have already suggested in paragraph 2 of this letter that the Judge of the Court of Small Causes should be invested with *special* jurisdiction only in the Amshoms under the jurisdiction of the Wynad Moonsiff.

10. I have made this suggestion because, compared with the files of the other Moonsiffs in the Zillah, the Wynad Moonsiff's file is very light (vide margin),* and the number of Appeals few;† and as noted at paragraph 2 of this letter, the Amshoms subject to the jurisdiction of the District Moonsiff of Gudalur and Vaitri having been transferred to the Zillah of Calicut, the sphere of work in the Wynad has been considerably reduced as regards this Zillah, and it becomes therefore questionable whether it is necessary that the Judge of the Court of Small Causes should hold a sitting at Manantoddy; my own opinion is, for the above reason, that it is not necessary, unless indeed the distance from Tellicherry (49 miles) be considered.

* Cases pending, July 1863.

Wynad	224
Average of other Moonsiffs' Courts	1229

† Appeals.

1861	4
1862	1
1863	1

11. The Judge of the Court of Small Causes suggests and I fully concur with him, that the Government be recommended at once to invest him with exclusive special jurisdiction within the Amshoms subject to the Tellicherry District Moonsiff, who had close on 1700 cases on his file on the 1st July 1863.

12. I may mention in conclusion that the *Judge* of the Court of Small Causes has brought to my notice that the average duration of suits in his Court has been (4) four days, calculating from July 1862 to March 1863, inclusive, and he trusts that the Government will be satisfied that there is nothing seriously wrong either in the constitution or working of the Tellicherry Court of Small Causes.

(True Copy.)

(Signed) A. W. SULLIVAN,
Civil Judge.

To the Chief Secretary to Government, Madras,
With reference to paragraph 5, Proceedings of Government,
Judicial Department, 10th *July* 1863, *No.* 1111.

No. 290.

No. 210.

MEMORANDUM.

Judicial Department.

The Chief Secretary has the honor to request that the Civil *Judge* of Tellicherry will be good enough to submit, for the information of Government, any letter he may have received from the *Judge* of the Court of Small Causes at Tellicherry on the subject referred to in his letter to the Registrar of the High Court of the 12th instant, No. 223.

2. If Mr. Sharpe has not communicated his views in writing, the Civil Judge will be good enough to request him to do so, and to send copies of such communication to the High Court, and also direct to Government.

3. The Chief Secretary also requests that the Civil Judge will furnish a rough Map of the Zillah, showing what will be the local jurisdiction of the several Courts as proposed in his letter of the 12th instant.

FORT SAINT GEORGE,
16th *September* 1863.

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

To the Civil and Session Judge, Tellicherry.

No. 211. From A. W. SULLIVAN, Esq., Civil Judge of Tellicherry; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Madras, dated Tellicherry, 29th September 1863, No. 247.

With reference to your Official Memorandum of the 16th instant, No. 290, I have the honor to submit, for the information of Government, true copy of a letter No. 39, dated 9th idem, from Mr. Sharpe, the *Judge* of the Court of Small Causes at this station, on the subject referred to in my letter to the Registrar of the High Court of the 12th idem, No. 223.

2. Agreeably to the instructions contained at paragraph 2 of your Memorandum under reply, a copy of Mr. Sharpe's letter will also be sent to the High Court, on the Court re-opening.

3. I annex, as directed, a rough sketch Map of the Zillah.

4. I proposed in my letter of the 12th instant, No. 233, that the *exclusive* special jurisdiction of the Judge of the Court of Small Causes should be the same as that of the Zillah, excepting in the Wynad Moonsiffship, where I proposed that he should only have special jurisdiction.

From G. R. SHARPE, Esq., *Judge of the Court of Small Causes*; to A. W. SULLIVAN, Esq., Civil Judge, Tellicherry, dated Tellicherry, 9th September 1863, No. 39.

With reference to the Proceedings of Government, dated 26th August 1863, No. 1378, I have the honor to state that in my opinion, it is desirable that I should be invested with exclusive special jurisdiction within the limits in which I previously had special jurisdiction, with the exception of the Amshoms subject to the jurisdiction of the newly appointed District Moonsiffs of Gudaloor and Vaitri in Wynad.

2. I think that it would also be a satisfactory measure to invest me with the powers of a Principal Sudder Ameen to hear any Appeals from Moonsiff's decisions which might be referred to me by you, thus leaving the present Principal Sudder Ameen of Tellicherry to occupy himself in clearing the heavy files of the Tellicherry Moonsiff and others.

3. I would also suggest that I be invested with powers under Clause 2nd, Section 8, Act VII of 1843, to receive Appeals from the Moonsiffs in Wynad, when I am on Circuit at Manantoddy.

4. I recommend that Government should at once be pleased to invest me with exclusive special jurisdiction within the Amshoms now subject to the Tellicherry Moonsiff.

5. You will observe that I do not propose any radical change but rather a return to the state of affairs which existed prior to the passing of Madras Act IV of 1863: any further change appears to me unnecessary in this Zillah, and the Government Proceedings having been based upon the fact that the average duration of a suit in the Courts of Small Causes has been no less than 95 days, I trust that the marginal statement showing that the average duration of suits in this Court has only been 4 day, will satisfy the Government that there is nothing "seriously wrong either in the constitution or working" of the Tellicherry Small Cause Court.

	Days.
July 1862	4
August 1862	5
September 1862	3
October „	7
November „	4
December „	5
January to March 1863	4

(True Copy.)

(Signed) A. W. SULLIVAN,
Civil Judge.

No. 212. Proceedings of the High Court of Judicature at Madras, Appellate Side, dated 19th December 1863, No. 148.

Read letter dated the 24th ultimo, from the Civil Judge of Tellicherry, stating his views as regards the Judge of the Court of Small Causes holding sittings at Manantoddy.

Read also letter dated the 30th ultimo, from the Judge of the Court of Small Causes, reporting the number of cases above 50 Rupees disposed of at Manantoddy since the establishment of the Court of Small Causes.

The Judges think that it will be sufficient if sittings be held at Manantoddy once a year, the duration of each sitting not to exceed two months, and they direct that this course be in future adopted by the Judge of the Tellicherry Court of Small Causes, the usual report being submitted of the date of departure from the principal to the out-station.

(True Extract.)

(Signed) C. F. CHAMIER,
Registrar.

To the Chief Secretary to Government, with reference to paragraph 8 of the Court's letter, dated 27th ultimo, No. 27.

No. 213. From E. W. BIRD, Esq., Civil and Session Judge of Tanjore; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Fort Saint George, dated Tanjore, 31st August 1863, No. 796.

With reference to paragraph 5 of the Orders of Government, No. 1378 of the 26th instant, I have the honor, as directed by the tenor thereof, to submit copy of my letter to the Acting Registrar to the High Court, No. 675, dated 29th July last, on the arrangements which I considered it would be desirable to carry out in this Zillah in regard to the future location of the Court of Small Causes, and the jurisdiction which the Judge of that Court and the Principal Sudder Ameen of Tanjore respectively should exercise in view to utilize their services as much as possible.

2. The Judges, however, in their Proceedings of the 13th August, having stated their opinion that "for the present it is not expedient to vest one of the Principal Sudder Ameens" of Tanjore "with special jurisdiction under the Madras Act IV of 1863," and that there is "already "in this Zillah a Court of Small Causes by which all suits not cognizable by the District Moonsiffs "are triable," I feel myself precluded from making now any further suggestion on this subject to the *Judges*. Copy of the Proceedings of the High Court in question is submitted for information.

From E. W. BIRD, Esq., Civil Judge of Tanjore; to G. R. SHARPE, Esq., Acting Registrar of the High Court of Judicature, Madras, dated Tanjore, 29th July 1863, No. 675.

The business of the special Sessions, just ended, has hitherto prevented me complying with the instructions in paragraph 4 of the Orders of Government, dated 30th June 1863, No. 1035, but I now have the honor to submit my views on the subject of the arrangements which Sections 4 and 5 (Madras) Act IV of 1863, will probably necessitate in this Zillah.

2. I requested the Judge of the Court of Small Causes to favor me with his sentiments on this subject, and I think it right to place copy of his letter before the Judges.

3. The proposal of Government contained in paragraph 3 of the Orders in question, appears to me to be an admirable one. The only point on which a doubt arises in my mind is whether the Judge of the Court of Small Causes or the Principal Sudder Ameen should be permanently located at Combaconum. Mr. Swinton, the Judges will see, desires that the Court of Small Causes should be located here, and that of the Principal Sudder Ameen at Combaconum, on the ground that the former, if presided over by a European as at present, will, at Tanjore have the advantage of European Society and a larger public opinion, such as it is, to surround him. There is force in this argument, but I do not think it suffices to set aside the disadvantages which the location of the Principal Sudder Ameen's Court, at a distance from the Civil Court, will certainly entail. The latter Officer will always retain his criminal powers, and these ought not, I think, to be conferred on the Judge of the Small Cause Court. It will be highly inconvenient in cases of committal to the Sessions Court by the Principal Sudder Ameen that he should be at Combaconum. The bulk of the Sub-Court records will always remain with the Principal Sudder Ameen and it is better that these records should be near the Civil Court at Tanjore than permanently located at 25 miles distance, at Combaconum; lastly, it is not certain, but on the contrary somewhat doubtful, that the Judge of the Court of Small Causes in this Zillah will be always a European, and if a Native of this country his location at Combaconum permanently will be attended with no public inconvenience whatever.

4. I therefore beg to suggest that the Court of Small Causes in this Zillah be permanently fixed at Combaconum, the Judge exercising the powers of a Principal Sudder Ameen, but not those of a Magistrate, within a jurisdiction I am about to propose.

5. Of the two Principal Sudder Ameens now employed in this Zillah, I would propose to invest with special jurisdiction under the Act, the permanent Officer Rungasami Pillay. The additional Principal Sudder Ameen Kristnasamy Iyer holds merely a temporary appointment and it will be best that he should be exclusively employed in his proper function of reducing the heavy file of Appeal arrears, so that at the termination of the prescribed period of his appointment the Government may be saved the expense of his salary and establishment, and his Court be abolished. I give the preference to Rungasami Pillay, not because I consider Kristnasamy Iyer, (a very able Judge) is in any way disqualified for the duty, but because I consider that the Officer permanently attached to the District should exercise the special jurisdiction which must now be permanently allotted in regard to a moiety of the Zillah.

6. I beg to suggest therefore that the Judge of the Court of Small Causes should be invested with exclusive special jurisdiction in the town of Combaconum, and the Principal Sudder Ameen of the Zillah with similar jurisdiction in the town of Tanjore.

7. The special jurisdiction of the Judge of Small Causes located at Combaconum should, in my opinion, be confined to the Taluqs of Combaconum, Valungaman and Trivady including Paupanasem; that of the Principal Sudder Ameen to the Taluqs of Tanjore, Munnargudi and Puttoocottah.

8. A glance at the rough Map of the District which accompanies, will show that the local limits of the jurisdiction I propose is, as regards the two Courts, separated by the line of the Vennar river and the north of the Munnargudi Taluq (marked A), a division of the Zillah which though not quite equal as to area, sufficiently equalizes the work which will fall to the two Courts, in consequence of the northern Taluqs being always productive of more litigation than the southern, which are poorer and less densely inhabited.

9. The Judge of the Court of Small Causes it will be seen proposes that the jurisdiction of the Court to be located at Combaconum shall embrace the Taluqs of Munnargudi and Combaconum, and that of the one at Tanjore, Puttoocottah and Tanjore; dividing the Zillah north and south, instead as I propose east and west. I think the arrangement I submit the best on the whole, and beg to recommend it.

10. These arrangements if carried into effect will diminish the work of the permanent and additional District Moonsiffs now laboring in the Combaconum and Tanjore Taluqs; because their present jurisdiction over Small Cause Suits to the value of 50 Rupees and under, will be exercised exclusively by the Judge of the Small Cause Court and Principal Sudder Ameen respectively. I do not however think that the reduction of the work of these four Courts will justify the immediate abolition of the two additional Moonsiffs, though it is probable the arrears in April next may so far have been diminished as to justify that measure. On the 30th June last, no less than 2086 suits awaited disposal in the two District Moonsiffs' Courts at Combaconum, besides 301 applications for execution of Decrees which were filed during the quarter. In the Tanjore Taluq there were pending on the same date 1623 suits, and 167 applications for execution were filed. The files are therefore, it will be seen, heavy and it will take some time in these two Taluqs to work off the arrears.

11. The third additional and temporary Court in this Zillah is that at Paupanasem, established to aid the District Moonsiff of Trivady in the disposal of the civil work in that Taluq. The operation of the new Act will be, I conclude, to increase not lessen the work in these two Courts, as the special jurisdiction of these Courts in cases of 50 Rupees value and under will be an addition to the work which has heretofore devolved on them, and will therefore proportionately retard the disposal of the arrears. On the 30th June these arrears, as regards the two Courts at Trivady and Paupanasem, were 1461 suits; 151 applications for execution, and 248 miscellaneous petitions were filed during the quarter.

12. Should the Judges approve of the proposed division of the Zillah at the line taken by the Vennar river (A A on the Map), I beg to suggest that 17 villages north of that river in Rajahdram Mahanum, hitherto attached to the Tanjore District Moonsiff, may be transferred to the jurisdiction of the Paupanasem additional Moonsiff, together with the villages Kottangudi, Sendalapooram Coil and a street in Nalloor which are all within a few miles of Paupanasem, but are inconveniently placed now under the jurisdiction of other District Moonsiffs' Courts at three times the distance they are from Paupanasem. This arrangement will equalize the work between the Trivady and Paupanasem Courts, and will facilitate the abolition of the additional Courts at Combaconum and Tanjore should the state of the files in these Taluqs in April next, render that step advisable.

(Signed) E. W. BIRD,
Civil Judge.

No. 214. From E. W. BIRD, Esq., Civil and Session Judge of Tanjore; to the Honorable A. J. ARBUTHNOT, *Chief Secretary to Government, Judicial Department*, Fort Saint George, dated Tanjore, 14th September 1863, No. 837.

In further reference to paragraph 5, Orders of Government, 26th August 1863, No. 1378, Judicial Department, I have the honor herewith to submit, for the information of Government,

copies of a letter I have forwarded to the High Court, and of its enclosure—a communication dated 4th instant, No. 157, from the Judge of the Court of Small Causes of Tanjore, on the subject of the average duration of suits in his Court as quoted in paragraph 3 of the Orders of Government, above mentioned.

From E. W. BIRD, Esq., Civil and Session Judge of Tanjore; to C. F. CHAMIER, Esq., Registrar of the High Court of Judicature, Madras, dated Tanjore, 14th September 1863, No. 836.

With reference to the Orders of Government, 26th August 1863, No. 1378, I have the honor to submit copy of a communication received by me on the subject of the average duration of suits in his Court, from the Judge of the Court of Small Causes of Tanjore, and to request his letter may be placed before the Honorable the Judges for their consideration.

2. In suggesting the arrangements proposed by me in my letter of the 29th July on the subject of the Court of Small Causes, I was chiefly influenced by the fact mentioned in Mr. Swinton's letter of the 15th July, No. 116, paragraph 7, wherein he states that "between a half and "two-thirds of the Small Cause Court suits are for sums under Rupees 50." It appeared to me that as the operation of Act IV of 1863 would certainly deprive the Court of Small Causes of that large proportion of work, it would be well, for the interests of the District, that the Judge should be empowered to perform a moiety of the duty now devolving on the Principal Sudder Ameen who thereby would be at leisure to exercise the Small Cause Court jurisdiction within the limits I mentioned.

3. As, however, the High Court have in their Proceedings of the 13th ultimo decided against these proposals at least for the present, I beg respectfully to suggest, in view to the Judge of the Court of Small Causes having his time fully occupied, that he be authorized to exercise Appellate jurisdiction in Civil cases, and thus to aid the Civil Court in the disposal of Regular Appeals.

(True Copy)

(Signed) E. W. BIRD,
Civil and Session Judge.

From R. B. SWINTON, Esq., *Judge of the Small Cause Court of Tanjore*; to E. W. BIRD, Esq., Civil and Session Judge of Tanjore, dated Combaconum, 4th September 1863, No. 157.

I have the honor to address you upon the subject of the Order of Government, under date the 26th August 1863, No. 1378, Judicial Department.

2. There must be some mistake in the Administration Report for 1862, referred to in paragraph 3 of the Order showing the average duration of a suit to be 204 days in this Court. From the Returns furnished by this Court which have been printed, the average duration of a suit appears to have been as follows:—

Average duration		for July 1862	15	days.
Do.	„	for August	20½	„
Do.	„	for September	33	„
Do.	„	for October	39	„
Do.	„	for November	32	„
Do.	„	for December	45	„

Total average duration for the year 31 days: that is for the year 1862. By the same Returns the average delay in the first quarter of 1863 was 30 days, and in the second quarter 21 days, and the total average for the first half of 1863 is 25 days.

3. I expect the average duration for the third quarter of this year will be about 60 days, but that is because suits filed before the adjournment of the Court which lasted for two months, were posted to be heard on dates after it; the circumstance also that suits filed at one station are—should the parties be residents of the other station—posted for a distant hearing at that other station, will increase the average.

(True Copy.)

(Signed) E. W. BIRD,
Civil and Session Judge.

No. 215. Proceedings of the High Court of Judicature at Madras, dated 13th August 1863.

Read letter dated the 29th ultimo, from the Civil and Session Judge of Tanjore, submitting his opinion on the subject of the arrangements to be made under Sections 4 and 5 (Madras) Act IV of 1863.

The Judges do not consider that it would be expedient for the present to vest one of the Principal Sudder Ameens with special jurisdiction under the Madras Act IV of 1863. They observe that his ordinary duties are sufficient to occupy his time and there is already in the Zillah a Court of Small Causes by which all suits not cognizable by the District Moonsiffs are triable.

(True Extract.)

(Signed) T. WILKINS,
Deputy Registrar.

To the Chief Secretary to Government, with reference to the Proceedings of Government in the Judicial Department, dated 30th June 1863, No. 1035.
21st September 1863.

No. 216. From R. G. CLARKE, Esq., Civil Judge of Negapatam; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Tranquebar, 30th September 1863, No. 639.

Adverting to paragraph 5 of the Orders of Government, dated the 20th ultimo, No. 1378, I have the honor herewith to submit, for their information, copy of my letter No. 623 of the 25th instant, (with its accompaniments) addressed to the High Court of Judicature on the subject of the position and jurisdiction of the Small Cause Court in the Zillah of Negapatam.

From R. G. CLARKE, Esq., Civil Judge of Negapatam; to C. F. CHAMIER, Esq., Registrar of the High Court of Judicature, Madras, dated Tranquebar, 25th September 1863, No. 623.

In obedience to the directions contained in paragraph 5 of the Order of Government, Judicial Department, dated 20th August 1863, No. 1378, requiring me, after communicating with the Judge of the Small Cause Court, to address the High Court direct on the subject of the position and jurisdiction, which it may appear advisable, that the Small Cause Court should hold in the Zillah of Negapatam, I have the honor to forward communications as noted in the margin,* from Mr. Cross, the Judge of the Small Cause Court in this Zillah, accompanied by enclosed Statements A and B.

* Dated 31st August 1863, No. 112.
Do. 8th September ,, ,, 120.
Do. 17th do. ,, ,, 133.

2. Adverting to my former letter to the High Court of the 21st July last, I beg to state that after further consideration of the subject, I am still of opinion that for the present, at least, it would not be advisable to make any alterations either in the position or the jurisdiction of the Small Cause Court in this Zillah.

3. It will be seen from paragraph 3 of Mr. Cross' letter, dated 31st August 1863, that the average duration of suits in his Court, has been fourteen and eighteen days respectively, for the two half-years last past, or from 1st July 1862 to 30th June 1863, and not ninety-five days as would appear from the Proceedings of Government under reply.

4. It occurs to me that the remarks of the Small Cause Court Judge in paragraphs 11 and 12 of his letter of the 31st August, may lead to some misapprehension, and I think it well therefore to note, for the information of the Judges of the High Court, that the 533 plaints, stated in paragraph 11 to have been filed in the seven Moonsiffs' Courts of this Zillah in the 1st quarter of the year 1863, are all suits for real property and personal property above Rupees 500, cognizable only by the Moonsiffs' Courts; and that the average of suits filed in the Small Cause Court, as represented in paragraph 12 of Mr. Cross' letter, includes suits under the value of Rupees 50, which that Officer, as would appear from paragraph 20 of his communication, has filed under a misapprehension of the limits of his jurisdiction, which are defined in Section 6 of Act IV of 1863.

5. I would beg respectfully to suggest, for the consideration of the Judges, whether the judgments given by the Small Cause Court in those suits for sums under Rupees 50, can be allowed to stand.

6. With regard to Mr. Cross' suggestion relative to local jurisdiction, offered in paragraph 14 of the same letter, I would observe, that the Returns called for by this Court from the several Moonsiffs of this Zillah show, that since the 1st July, when the provisions of Section 3, Act IV of 1863 came into operation, a total of 384 suits have been filed in the seven Courts during July and August, making an average of 576 per quarter; a result in no material degree differing from that recorded in paragraph 12 of Mr. Cross' letter during the period prior to 1st July 1863, when the jurisdiction of the Small Cause Court was not interfered with at all.

7. The conclusion I draw from these facts is, that the provisions of Section 3 of the Act IV of 1863, are acting beneficially; that the native inhabitants appreciate having a Moonsiff's Court at their own doors, where they are able to seek a settlement of money debts under Rupees 50 without being subjected to the trouble and expense of resorting to a Court at a greater distance from their dwellings.

8. I will only add, that from the Returns of the District Moonsiffs above alluded to, it appears, that the average duration of suits under Rupees 50, disposed of by them, is 13 days and a fraction.

(True Copy.)

(Signed) R. G. CLARKE,
Civil Judge.

From M. CROSS, Esq., Judge of Negapatam Court of Small Causes; to R. G. CLARKE, Esq., Civil and Session Judge of Negapatam, Tranquebar, dated Tranquebar, 31st August 1863, No. 112.

As requested in paragraph 5 of the Proceedings of Government, No. 1378, dated 20th August 1863, I have the honor to submit such suggestions as it seems to me are necessary for the efficient working of the Court of Small Causes in this Zillah, with reference to Act IV of 1863.

2. But in the first place, I would avail of this opportunity to ask you to bring to the notice of the High Court, what I conceive to be an error in the Administration Report to which Government allude in the 2nd paragraph of their Proceedings under reference, and which tends to show that the average duration of a suit in the Courts of Small Causes is 95 days.

3. Statements A and B exhibit the relative average duration of suits in the several Courts of Small Causes for the six months ending 31st December 1862, and 30th June 1863, and show the average duration of the suits in this Court to have been 14 days and 18 days respectively.

4. If the several averages in Statement A be added, the result is 97 days, or "three months and 7 days," which is the aggregate of the several averages in the six Courts of Small Causes, and which gives to each Court an average of 16 days only.

5. I should, perhaps, explain that by duration of a suit in this Court is meant only the period which necessarily elapses between the issue of summons and the date on which it is made returnable for the hearing. Adjournments never being granted except when necessary for the ends of justice, and no interval occurring between the hearing and judgment.

6. The average 14 days and 18 days shown in the Statements A and B, are the periods which the suitors themselves have required of this Court, as I generally leave it to them to name their own time and invariably the Division, Tranquebar or Negapatam, most convenient to themselves and their witnesses for the hearing.

7. These averages could, of course, be reduced, were the Court made stationary, as from the nature of circuit duties, there are suits where a very considerable period must elapse before the summons is returnable.

8. For instance, I proceed to-night on Circuit to Negapatam where I propose to hold Court during September and October, having already filed several plaints for hearing on my return to this Division in November, an interval of not less than 60 days thus necessarily arising from the issue of summons until the hearing and judgment.

9. It will, I feel, be not out of place to add here, that the average duration of suits in the Madras Court of Small Causes, its local jurisdiction being so circumscribed comparatively with the jurisdiction of its sister Courts in the Mofussil, is not less than 10 days, that being the period in which its summonses are made returnable.

10. Having thus offered an explanation on a point which, I feel, paragraph 3 of the Proceedings of Government have rendered necessary, I come now to the more immediate object of this communication.

11. I find that in the first quarter of this year 533 *plaints* were filed in the seven Moonsiffs' Courts in this Zillah, 520 *plaints* having been filed in this Court in the same period.

12. I further find that from the 1st January to the 15th May 1863, the date on which this Court adjourned for two months, the plaints filed in that period averaged 199 *per mensem*, the average value of each suit being *Rupees* 78; while from the 15th *July* to the 31st August the average number of plaints filed is 188 *per mensem*, their average value being each *Rupees* 107.

13. It will thus be seen that the Moonsiffs' Act IV of 1863 which came into operation on the 1st *July*, has, to this time, had no sensible effect on the working of this Court.

14. As to the question of local jurisdiction, I would point out that Tranquebar is about equi-distant from the four large Districts, Shealy, Mayaveram, Negapatam, and Nagore; the other two Districts, Trivaloor and Tritrapoondee, where there are also Moonsiffs' Courts, being more remote.

15. Of the 533 plaints filed in these seven Courts during the first quarter of this year, they are apportioned as follows :—

Tranquebar	65
Shealy	34
Mayaveram	264
Nagore	46
Negapatam	24
Trivaloor	57
Tritrapoondee	43

showing 409 plaints to have been filed in the Tranquebar Court and the Courts more immediately adjacent thereto, excepting Negapatam, in which only 24 suits were instituted, thus leaving 100 plaints for the remaining two Courts more distantly located.

16. I give these figures believing them to be a pretty correct estimate of the extent of litigation generally prevailing in the several Districts.

17. Considering, therefore, the foregoing results, the circumstance, as you have informed me, that this Zillah does not at present require the services of two Officers possessing the powers of a Principal Sudder Ameen, and the central position which Tranquebar holds in the most litigious part of this Zillah, I would beg to suggest that I should have exclusive special jurisdiction in the Districts of Tranquebar, Shealy, Mayaveram, Nagore, and Negapatam, the Moonsiffs of Trivaloor and Tritrapoondee to retain the powers Act IV of 1863 gives them, on account of the remoteness of those Districts from this Court.

18. If the High Court approve this suggestion, the question then arises how far it would be advisable to make this Court stationary, a change that I am likewise disposed to recommend, not only from the foregoing reasons and results, but also from my belief that suitors have not appreciated the advantages which Government desired to confer on them by sending us on Circuit.

19. It is difficult to ascertain what are the opinions of suitors on this point, but my impression is that they prefer a stationary Court to which they know they can have access at all times without having to undertake the mental trouble of calculating when the Judge will come again on Circuit, or determining in which division of the Zillah they will institute their suits.

20. If, however, the High Court disapprove of my suggestions, it is desirable that the jurisdiction of this Court be at once defined, for, as matters now stand, suitors whose claims do not exceed Rupees 50, have the option of filing their plaints in this or the Moonsiffs' Courts—a clashing of jurisdiction which requires immediate remedy.

21. When sending copy of your letter to the High Court to Government, I beg the favor of your forwarding a copy of this communication with enclosures A and B.

(True Copy.)

(Signed) R. G. CLARKE,
Civil Judge.

A.

Statement showing the relative average duration of Suits in the several Courts of Small Causes for the six months ending 31st December 1862.

	From 15th July.	Aug.	Sept.	Oct.	Nov.	Dec.	Aggregate number of days.	Average duration of Suits.
Chittoor	4	10	14	19	22	22	91	15
Cuddalore	8	11	15	19	16	21	90	15
Madura	8	9	12	17	19	20	85	14
Negapatam	9	9	17	13	20	17	85	14
Tanjore	15	20	53	39	32	45	204	34
Tellicherry	4	4	5	7	4	4	28	5

97 days,
or three months and seven days.

(Signed) M. CROSS,
Judge.

(True Copy.)

(Signed) R. G. CLARKE,
Civil Judge.

B.

Statement showing the relative average duration of Suits in the several Courts of Small Causes for the six months ending 30th *June* 1863.

	Jan.	Feb.	March.	April.	May.	June.	Aggregate number of days.	Average duration of Suits.
	1st Quarter.			2nd Quarter.				
Chittoor	27			27			54	27
Cuddalore	14			12			26	13
Madura	18			15			33	16
Negapatam	20			16			36	18
Tanjore	50			21			71	35
Tellicherry								

(Signed) M. CROSS,
Judge.

(True Copy.)

(Signed) R. G. CLARKE,
Civil Judge.

Proceedings of the Madras Government, Judicial Department, 26th February 1864.

From M. CROSS, Esq., Judge of Small Cause Court, Negapatam; to R. G. CLARKE, Esq., Civil Judge of Negapatam, dated Negapatam on Circuit, 8th September 1863, No. 120.

Since I had the honor to address you on the 31st August 1863, No. 112, it has occurred to me to make a further suggestion, should the High Court determine on recommending Government to give me the exclusive special jurisdiction I have asked for.

2. In my letter to the High Court No. 35, dated 30th August 1862, I expressed my opinion that the present rates of batta fall heavily upon suitors in actions for trifling debts.

3. A year's working of this Court has tended to confirm that opinion, and if I am to have exclusive special jurisdiction in certain Districts, the present would be a highly desirable opportunity to sanction the assimilation of the rates for executing process in suits from Rupees 50 downwards, to those ruling in the District Moonsiffs' Courts, thereby giving suitors of that class in this Court, the same privileges that the suitors in the Courts of those District Moonsiffs who are to continue to exercise Small Cause Court powers will possess.

4. The following figures will show the comparative cost of instituting suits in this and the Madras Court of Small Causes, taking the sum claimed at Rupees 50:—

Small Cause Court, Madras.

	RS.	A.	P.
Commission on amount claimed	6	4	0
Defendant's summons fee	0	8	0
3 Subpœnas, eight Annas each	1	8	0
Warrant fee against person	0	8	0
	8	12	0

Small Cause Court, Negapatam.

	RS.	A.	P.
Plaint fee	4	0	0
Peon's batta for Defendant's summons	1	8	0
Peon's batta for Summons for three witnesses at 1-8-0 each	4	8	0
Batta for three witnesses	1	11	0
Batta for Warrant against person	1	8	0
	13	3	0

5. The above batta rates are the same for all suits, whatever their value, and it will therefore be apparent how disproportionate they are for actions for trifling debts.

6. The number of batta peons employed by this Court this year are 50, and their fees for the six months the Court has been open, excluding the two months' recess, have averaged upwards of Rupees 15 each monthly.

(True Copy.)

(Signed) R. G. CLARKE,
Civil Judge.

From M. CROSS, Esq., Judge of the Court of Small Causes of Negapatam; to R. G. CLARKE, Esq., Civil Judge of Negapatam, dated Negapatam on Circuit, 17th September 1863, No. 122.

Since I had the honor to address you in my letters Nos. 112 and 120, my attention has been more pointedly drawn to Act IV of 1863.

2. I find that Section 6 of that Act defines the respective jurisdiction of the Small Cause and District Moonsiffs' Courts in cases where exclusive special jurisdiction has not been given to Small Cause Courts, thus rendering my remarks in paragraph 19 of my former letter uncalled for, and which paragraph, I therefore request may be considered unwritten.

3. I further beg that a copy of this communication may accompany the letter under reference to the High Court, but should that letter have already gone forward, that you will cause a copy of this to be transmitted at once to the High Court and to Government.

4. I beg to apologize for the trouble my oversight in this matter has occasioned you.

(True Copy.)

(Signed) R. G. CLARKE,
Civil Judge.

Proceedings of the Madras Government, Judicial Department, 26th February 1864.

1863.	Tranquebar Division.								Negapatam Division.									
	Tranquebar.		Mayaveram.		Shealy.		Total.		Negapatam.		Nagore.		Tivalore.		Tritrapoondee.		Total.	
	No. of Suits.	No. of Defendants summoned.	No. of Suits.	No. of Defendants summoned.	No. of Suits.	No. of Defendants summoned.	No. of Suits.	No. of Defendants summoned.	No. of Suits.	No. of Defendants summoned.	No. of Suits.	No. of Defendants summoned.	No. of Suits.	No. of Defendants summoned.	No. of Suits.	No. of Defendants summoned.	No. of Suits.	No. of Defendants summoned.
January	36	45	22	25	40	51	98	119	14	13	2	4	8	13	2	9	26	39
February	5	15	13	13	22	36	40	64	88	87	38	62	29	44	1	16	156	209
March	11	29	13	23	10	13	34	65	104	110	22	27	48	84	11	22	185	243
April	53	72	63	72	64	100	180	244	15	14	11	15	14	14	7	12	47	55
May to 15th	23	32	40	86	32	58	95	170	10	14	2	2	8	9	16	28	36	53
June (Recess)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
July from 15th	31	36	20	33	19	29	70	98	7	12	5	11	17	23	3	4	32	50
August	51	65	24	49	57	91	132	196	26	24	7	30	12	14	5	8	50	76
September	6	15	14	33	7	8	27	54	46	47	24	46	26	36	7	18	103	147
October	7	7	10	14	10	26	27	47	44	43	28	40	23	38	3	7	98	128
November	14	21	16	16	12	25	42	62	13	12	4	7	8	9	3	6	28	34
December	15	16	24	29	19	33	58	78	3	3	8	11	10	15	2	4	23	33
Total	252	349	259	384	292	470	803	1203	370	379	151	255	203	299	60	134	784	1067

(Signed) M. CROSS,
Judge.

TRANQUEBAR,
SMALL CAUSE COURT,
26th January 1864.

No. 217. From T. WILKINS, Esq., Deputy Registrar of the High Court of Judicature at Madras, Appellate side; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 13th January 1864, No. 2.

With reference to paragraph 7 of the Court's letter, dated the 27th November last, No. 127, I am directed to state that both the Civil *Judge* and the *Judge* of the Court of Small Causes at Negapatam, are of opinion that the latter Court should be permanently located at Tranquebar as being nearly the centre of the Negapatam Zillah, and the greater proportion of suits filed in the Small Cause Court proceeding from the most populous and important Talooks of Mayaveram, Negapatam, Tranquebar and Trivalore.

2. The Collector also considers that taking the Zillah of Negapatam as a whole, and with especial reference to the amount of litigation in each Talook, Tranquebar is the more central and convenient station; but that, if the relative importance of the two towns is to be had in consideration, Negapatam most decidedly have the preference, as the trade of Tranquebar has of late years been in a languishing state, while that of Negapatam is gradually on the increase; and looking to the contemplated extension of the Great Southern of India Railway to Erode, its importance is likely still largely to increase, and that if Tranquebar is to be fixed on for the permanent location of the Zillah Courts, Negapatam might with more propriety be fixed on as the permanent station for the Court of Small Causes.

3. The Collector also states that the Agent of the Great Southern of India Railway Company deprecates the permanent location of the Small Cause Court at Tranquebar, on the ground that, much delay and expense will be caused to the Company if they are obliged to send their servants and books 60 miles of Mofussil road to prosecute each of their claims; and that, although hitherto the Company have not had occasion to resort to the Small Cause Court, it is probable they will in future have to do so.

4. The Civil *Judge* is unable to concur with the Collector, on the ground that, as no causes have hitherto been brought by the Great Southern of India Railway Company before the Court of Small Causes, and as the head quarters of the Railway Company are about to be removed from Negapatam to Trichinopoly, it would be scarcely fair to suitors in other Talooks of the Zillah, that for the merely probable convenience of the Railway Company, the Small Cause Court should be located at the southern point of the District.

5. The Judges agree with the Civil *Judge* and the *Judge* of the Court of Small Causes, as to the propriety of permanently retaining the Small Cause Court at Tranquebar in preference to Negapatam; and as both these Officers also report that the operation of Act IV of 1863 has so greatly relieved the Small Cause Court as to render it unnecessary that it should in future itinerate and hold periodical sittings at any other station, I am directed to recommend that Tranquebar be in future the permanent station of the Small Cause Court, and that the visits of the Judge to Negapatam be discontinued.

No. 218. From T. WILKINS, Esq., Deputy Registrar of the High Court of Judicature at Madras, Appellate Side; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 27th November 1863, No. 127.

With reference to the Order of Government, dated the 26th August last, No. 1378, I am directed to state that having taken into consideration the replies of the Civil *Judges*, who have been consulted, the Judges of the High Court are of opinion that, as the work of the Court of Small Causes at Chittoor is sufficient fully to occupy the time of the *Judge*, it would be inexpedient to vest that Officer with the additional powers of a Principal Sudder Ameen. They would, however, suggest that the head station of the Small Cause Court should be at Vellore, and that the Judge be vested with exclusive special jurisdiction in the town of Vellore and in the villages within the distance of three miles from the Court.

2. The *Judges* also suggest that the Judge of the Small Cause Court at Tellicherry be vested with exclusive special jurisdiction within the jurisdiction of the District Moonsiff of Tellicherry, but they see no necessity for vesting him with the powers of a Principal Sudder Ameen, as there is already an Officer of that description at the zillah station, and the Appeal work is not

more than can be performed by the Civil Judge and the Principal Sudder Ameen; and for the same reason the Judges do not consider it necessary that such power should be vested in the Judge of the Court of Small Causes at Tanjore.

3. They concur with the Civil Judge of Cuddalore, that no alteration should for the present be made in that Zillah.

4. The Judges have already under their consideration the expediency of reducing the number of out-stations, in Districts in which the reduction may be effected without inconvenience to suitors.

5. In an extensive District such as Madura, this may be impracticable, but as the Civil Judge is of opinion that a short sitting annually of a few weeks each at the out-stations of Ramnad and Dindigul will be sufficient, the Judges propose to issue orders to that effect.

6. They consider that the proposal for making Palmanair an out-station of the Small Cause Court of Chittoor might be abandoned without inconvenience to suitors, as the tracts above the passes will shortly be connected with Vellore by the Bangalore Railway.

7. They are also of opinion that at Negapatam and Tanjore the Judge of the Small Cause Court should be confined to the head station in future.

8. As respects Manantoddy, the out-station of the Court at Tellicherry, the *Judges* have called for further information, which, when received, will form the subject of a separate communication.

9. Adverting to paragraph 3 of the Order of Government above referred to, it is observed that the erroneous calculation of the average duration of suits on the files of the Courts of Small Causes has been altered, and the Judges now find that during the quarter ending 30th September last, the average has been reduced to eight and half days.

10. In conclusion I am directed to suggest with reference to the Order of Government, dated 2nd August 1862, No. 910, that the Government of India be again solicited to vest the Judges of the Courts of Small Causes with the power of franking letters on the public service, as these Officers, the majority of whom have held important and responsible situations under the Government previous to being appointed Judges of these Courts, experience some inconvenience in having to apply to the European and Native Revenue authorities or to a Military Officer to frank their official despatches.

No. 219. ORDER THEREON, 26th February 1864, No. 257.

In the Proceedings of Government under date the 26th August last, No. 1378, the Honorable the Judges of the High Court were requested to take into consideration the altered position of the Courts of Small Causes in the Provinces consequent on the District Moonsiffs having been invested with Small Cause Court jurisdiction by (Madras) Act IV of 1863. The reference was made partly in consequence of a correspondence which had taken place regarding the head quarters of the Court of Small Causes in the Chittoor Zillah, and partly owing to a Return entered in the Administration Report of the High Court for the official year 1862-63, from which it appeared that the average duration of a suit in the Courts of Small Causes, during the five months that they had been in operation in 1862, was no less than 25 days. It was afterwards ascertained that this Return was erroneous, the actual average being 17½ days. The replies of the Judges of the High Court and of the local Judicial officers on the general question, as to how far the territorial jurisdiction and arrangements for the sittings of the Courts of Small Causes, established under Act XLII of 1860, should be modified consequent on the passing of the Madras Act IV of 1863, are contained in the letters above recorded. The Governor in Council will review the recommendations which have been made, and will record his decision regarding the several Zillahs, seriatim.

2. *Chittoor.*—In the Proceedings of Government above referred to, it was suggested that the Court of Small Causes in the Chittoor Zillah, the head quarters of which had recently been transferred to Vellore, should be re-placed at Chittoor; that the Judge should be vested with the powers of a Principal Sudder Ameen; that his local jurisdiction in the Small Cause side should be narrowed; and that he should be invested with exclusive special jurisdiction in the

Town of Chittoor, and possibly in the Taluq in which Chittoor is situated. The *Judge* of the Small Cause Court is in favor of the head quarters being retained at Vellore, and suggests that, with the view of relieving the Sessions Judge, he should be empowered to hold Criminal Sessions at the out-stations, which, he thinks, should be at Tripaty and Palmanair. The Civil *Judge* also is of opinion that the head quarters of the Small Cause Court should remain at Vellore, and that he should be invested with exclusive special jurisdiction under Madras Act IV of 1863, in the Town of Vellore, and in the villages within three miles of the Court House, the Court of the Vellore District Moonsiff being moved to Pallicondah. He also recommends that the *Judge* of the Small Cause Court should be vested with the powers of a Principal Sudder Ameen, in order that he may aid the Civil Judge in disposing of Appeal Suits, the arrears of which in the Zillah Court are at present very heavy.

3. The High Court agree with the local officers as to the expediency of retaining the head quarters of the Small Cause Court at Vellore, but object to the Judge being vested with the additional powers of a Principal Sudder Ameen, being of opinion that the work of the Small Cause Court is sufficient fully to occupy the time of the Judge. In a subsequent letter the Honorable the Judges of the High Court have suggested that, with the view of relieving the Civil Judge, the Principal Sudder Ameen now at Salem should be transferred to Chittoor. This arrangement, however, is strongly objected to by the Civil and Sessions Judge of Salem and, as the Governor in Council thinks, upon valid grounds. From a return of the number and value of suits instituted in the Court of Small Causes, obtained from the *Acting Judge*, it appears that of late there has been a considerable decrease in the business of that Court, consequent, probably, on the enactment of (Madras) Act IV of 1863. During the first quarter of that year the number and value of suits instituted were, respectively, 981, and Rupees 84,366. During the last quarter the number was reduced to 422, or a little more than four suits a day, and the value to Rupees 22,420.

4. In these circumstances, the Governor in Council sees no reason why the *Judge* should not, in addition to his Small Cause Court business, aid the Civil Judge in disposing of the heavy arrears of Appeal suits now pending on that officer's file; and he resolves accordingly to invest the Judge of the Court of Small Causes with the powers of a Principal Sudder Ameen, and also with exclusive special jurisdiction in the Town of Vellore and its environs, as suggested by the Civil and Sessions Judge and the High Court. The Collector of North Arcot will furnish a list of the villages within three miles of the Court House at Vellore. Tripaty will in future be the only out-station of the Small Cause Court in this Zillah.

5. *Tellicherry.*—The Judge of the Court of Small Causes in the Zillah of Tellicherry recommends that he should be invested with exclusive special jurisdiction under Act IV of 1863 throughout the Zillah, and also with the powers of a Principal Sudder Ameen. He further suggests that he be invested with powers under Clause 2, Section 8, Act VII of 1843, to hear appeals from the Moonsiffs in Wynaad when on circuit at Manantoddy. The Civil and Sessions Judge supports the first of Mr. Sharpe's recommendations, except as regards the Taluq of Wynaad, in which he would only give him special jurisdiction. He is also in favor of the Judge of the Small Cause Court being invested with the powers of a Principal Sudder Ameen for the purpose of hearing appeals, but sees no necessity for his being invested with the powers conferred by Clause 2, Section 8 of Act VII of 1843, when on circuit at Manantoddy. Indeed, he doubts whether it is necessary that Mr. Sharpe should hold sittings at Manantoddy.

6. The recommendation of the High Court is that the Judge of the Small Cause Court be vested with exclusive special jurisdiction within the local jurisdiction of the District Moonsiff of Tellicherry, but they see no necessity for vesting him with the powers of a Principal Sudder Ameen, the appeal work not being more than the Civil Judge and the Principal Sudder Ameen now stationed at Tellicherry can get through. The High Court have authorized the Judge of the Court of Small Causes to hold sittings at Manantoddy for two months once a year. The Judge will be vested, as recommended by the High Court, with exclusive special jurisdiction within the local limits of the jurisdiction of the District Moonsiff of Tellicherry.

7. *Tanjore.*—The Civil and Sessions Judge of Tanjore advocates the adoption of the arrangement suggested in the Proceedings of Government, under date the 30th June last, viz., that the Court of Small Causes should be transferred to Combaconum, and that one of the two Principal Sudder Ameens at Tanjore (he recommends Rungasawmy Pillay), should be invested with Small Cause jurisdiction under Act IV of 1863 in that part of the Zillah which adjoins Tanjore, the local jurisdiction of the Judge of the Court of Small Causes being confined to the Combaconum side of the Zillah. Mr. Bird recommends that the local jurisdiction of the Small Cause Court be confined to the Districts under the District Munsiffs of Combaconum, Valangaman and Trivady including Papanassam, and the special jurisdiction of the Principal Sudder Ameen to the Districts of the Munsiffs of Tanjore, Manargudi and Pattacottah.

8. The Governor in Council resolves to direct that this arrangement shall be carried out. The High Court, he observes, are opposed to it on the ground that the ordinary duties of the Principal Sudder Ameen are sufficient to occupy his time, and that there is already in the Zillah a Court of Small Causes by which all suits not cognizable by the District Moonsiffs can be tried. This objection, however, may be obviated by investing the Judge of the Small Cause Court with the powers of a Principal Sudder Ameen, which will enable him to aid in the disposal of appeals, while the arrangement of locating his Court at Combaconum, and dividing between two officers located at the two principal Towns of the District the Small Cause jurisdiction now exercised by one, will greatly conduce to the convenience of suitors in reducing the distances they have to travel to the Court. The Civil Judge will submit a draft notification defining in precise terms the local jurisdiction of the two Courts under the arrangements now sanctioned. He will also state, and will embody in the draft notification, the limits within which exclusive special jurisdiction should be vested in the two officers.

9. *Negapatam.*—The Civil and Sessions Judge of Negapatam does not think it advisable to make any alteration either in the position or in the jurisdiction of the Small Cause Court in that Zillah. The High Court are of the same opinion, except in so far that they would confine the Judge of the Small Cause Court to the head station in future. It appears, however, from a return of the operations of the Small Cause Court during the year 1863, which has been obtained from the Judge, that the business of that Court has greatly diminished under the operation of (Madras) Act IV of 1863. In November and December last, the number of suits instituted in the Court was only 70 and 81 respectively. In this Zillah, also, the Governor in Council thinks that an arrangement similar to that ordered for the Tanjore Zillah would be preferable to the arrangement now in force. The work devolving on the Judge of the Small Cause Court, which is located at Tranquebar, is not sufficient to occupy his time. At Negapatam, which, as the terminus of the Great Southern of India Railway, is a place of some importance, there is no Judicial officer of a higher grade than the District Moonsiff; nor is there any resident European officer, except the Joint Magistrate who must be frequently employed on his Revenue duties in the interior of his division. The Governor in Council accordingly resolves to transfer the Small Cause Court to Negapatam; to limit its local jurisdiction to the Districts adjacent to that Town, viz., Negapatam, Nagore, Trivalore and Tritrapoondi; to invest the Judge with the powers of a Principal Sudder Ameen, and also with the powers of a Magistrate and Justice of the Peace; and to invest the Principal Sudder Ameen at Tranquebar with special jurisdiction under the Madras Act IV of 1863.

10. His Excellency in Council is satisfied that by this arrangement the judicial agency of the Zillah will be more efficiently utilized than it can be under the present arrangements; and he resolves to take this opportunity of settling the long pending question as to where the Civil and Sessions Court and Principal Sudder Ameen's Court of the Zillah should be permanently located.

11. These Courts, ever since their establishment, have been located at Tranquebar, there being no buildings available for them at Negapatam. To erect new buildings and move the Courts to the latter station, would entail a considerable expenditure, and, in the opinion of His Excellency in Council, without securing any corresponding advantage. Tranquebar is the more

healthy station of the two, and the only object in moving the Courts to Negapatam is to have them on the line of Railway. This object the Governor in Council thinks, will be sufficiently attained by the transfer of the Small Cause Court to that station, and by investing the Judge with the powers of Magistrate, Principal Sudder Ameen and Justice of the Peace. The Governor in Council accordingly resolves that the Courts of the Civil and Sessions Judge and Principal Sudder Ameen shall be permanently stationed at Tranquebar, and that the Zillah shall henceforth be designated the Zillah of Tranquebar. The Civil and Sessions Judge will submit a draft notification embodying these changes.

12. *Cuddalore.*—Both the Civil and Sessions Judge and the High Court are opposed to any change in the judicial arrangements of the Zillah of Cuddalore. They will stand for the present.

13. *Madura.*—The Government have not been furnished with the views of the Civil Judge or of the Judge of the Court of Small Causes in the Madura Zillah on the question referred to in these Proceedings, and the High Court do not advert to it, as regards this Zillah, further than by observing that they propose to direct that the Small Cause Court shall hold a short sitting annually, of a few weeks each, at the out-stations of Ramnad and Dindigul. In this Zillah, which is one of the largest in the Presidency, there are a Civil and Sessions Judge, a Judge of the Court of Small Causes, and a Principal Sudder Ameen, all having their head quarters (the first and the last stationary) in the Town of Madura. The same considerations which have induced the Government to resolve on apportioning the Small Cause jurisdiction in the Zillahs of Tanjore and Negapatam respectively between two judicial officers, appear to apply still more forcibly to the large District of Madura, where the average distances which suitors have to travel must be very much greater than in Tanjore. It would seem advisable that the Madura Small Cause Court should be moved either to Dindigul or Ramnad, probably to the latter place; the Judge being invested with the powers of a Principal Sudder Ameen, and a Justice of the Peace, and his local jurisdiction limited to a portion, instead of the whole of the District, while the Principal Sudder Ameen should be invested with special jurisdiction under Act IV of 1863 in the rest of the District; but before passing any orders on this point, the Governor in Council would wish to be furnished with information on the following points:—

1st.—The number of suits instituted in the Court of Small Causes in each month of the year 1863. N. B.—The Revenue Taluq or division of the District to which the parties belong should be shown.

2nd.—The number of suits instituted in the District Moonsiffs' Courts under Act IV of 1863, during each month since that Act became law.

3rd.—The number of Appeal suits now pending in the Civil Court and Principal Sudder Ameens' Court.

4th.—The number of Appeal suits instituted and disposed of during the year 1863.

14. Two questions of some importance, affecting the procedure of the Courts of Small Causes, have been raised in the letters now before Government, viz., the want of power in the Courts of Small Causes to punish witnesses for neglecting to attend to their summonses, and the high rate of fees charged in these Courts as compared with the fees charged in the Courts of District Moonsiffs. The Honorable the Judges of the High Court will be requested to favor the Government with their opinion on both these points, with reference to the remarks made in the letters of Messrs. Davidson and Cross.

15. The Supreme Government will be again requested to authorize the Judges of the Courts of Small Causes to frank their letters on the public service.

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

No. 220. To the Secretary to the Government of India, Home Department, dated Fort Saint George, dated 26th February 1864, No. 258.

With reference to my letter of the 12th July 1862, No. 820, Public Department, I am directed to state, for the information of His Excellency the Governor General in Council, that it has been represented by the Honorable the Judges of the High Court that much inconvenience is caused by the Judges of the Court of Small Causes in this Presidency not being authorized to frank their letters on the public service, and to request that the necessary authority may be given.

2. Orders have been given for locating some of these Courts at stations where there are no European officers permanently stationed, and in some Zillahs the Judges are required to hold sittings at out-stations where they experience great difficulty in getting their letters franked.

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

No. 221. To the Honorable Sir C. H. SCOTLAND, Knight, Chief Justice of the High Court of Judicature, Madras, dated 26th February 1864, No. 258A.

I am directed by His Excellency the Governor in Council to transmit to you the enclosed Proceedings of Government, dated the 26th instant, Nos. 256 and 257, and to request that you will favor the Government with your opinion on the points referred to in paragraph 14 of the Proceedings, No. 257.

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

Exd. J. Tulloch.

[illegible]
27th January [illegible]

[illegible]

[illegible]

as far as [illegible]

[illegible] of [illegible]

[illegible] Court [illegible]

[illegible]

Statement of suits filed by [illegible] under Act 4 of 1864 from July to 15th December 1864 –

[illegible] –	160
[illegible] –	61
[illegible] –	207
[illegible] –	170
[illegible] –	116
[illegible] –	84
[illegible] –	212
	1014

[illegible]
27th [illegible] 1864 –

[illegible]

Proceedings of the High Court of Judicature at Madras, 13th August 1863.

Read letter dated the 29th ultimo, from the Civil and Session Judge of Tanjore, submitting his opinion on the subject of the arrangements to be made under Sections 4 and 5 (Madras) Act IV of 1863.

The Judges do not consider that it would be expedient for the present to vest one of the Principal Sudder Ameens with special jurisdiction under the Madras Act IV of 1863. They observe that his ordinary duties are sufficient to occupy his time and there is already in the Zillah, a Court of Small causes by which all suits not cognizable by the District Moonsiffs are triable.

(True Extract)

Dy Registrar.

To

The Chief Secretary to Government.

with reference to the Proceedings of Govt in the Judicial Department dated 30th June 1863 No 1035.

Exd. C. C. Higgins 21st September 1863.

Pro. 30th June 1863 No. 297

Judicial 1863 Despatch

No. 42 [illegible] 27 [illegible]

Pro. of High Court Madras

Dated 12 Augt
Recd 22 Septr } 1863.

No. 5/103

Refusing to vest one of the Principal Sudder Ameens of Tanjore with special jurisdiction under Act [illegible] of 1860 his ordinary duties being sufficient to occupy his time & there being in the Zillah a Small Cause Court where all suits not cognizable by the Civil Moonsiff can be tried. —

(No. 148.)

Proceedings of the High Court of Judicature at Madras. Appellate Side.

19th December, 1863.

Read letter dated the 24th ultimo, from the Civil Judge of Tellicherry, stating his views as regards the Judge of the Court of Small Causes holding sittings at Manantoddy.

Read also letter dated the 30th ultimo, from the Judge of the Court of Small Causes, reporting the number of cases above 50 Rupees disposed of at Manantoddy since the establishment of the Court of Small Causes.

The Judges think that it will be sufficient if sittings be held at Manantoddy once a year, the duration of each sitting not to exceed two months, and they direct that this course be in future adopted by the Judge of the Tellicherry Court of Small Causes, the usual report being submitted of the date of departure from the principal to the out station.

(True Extract)

C. F. Chamier
Registrar.

To
The Chief Secretary to Government
with reference to para. 8 of the Court's letter dated 27th ultimo. No. 127.

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Judicial 1863 Department
No.

[illegible]

Proceedings of the High Court
of Judicature at Madras
Appellate Side.

Dated 19th
Recd 28th December, 1863

No. 148.

No. 13A

Copy of Proceedings
of the High Court directing
the Judge of the Tellicherry
Court of Small Causes to
hold sittings at Manan-
toddy once a year, the
duration of each sitting
not to exceed two months.

Proceedings of the High Court of Judicature
at Madras, 12 August 1863.

Read letter dated the 29th Ultimo from the Civil and Session Judge of Tanjore, submitting his opinion on the subject of the arrangements to be made under Sections 4 and 5 (Madras) Act IV of 1863.

The Judges do not consider that it would be expedient for the present to vest one of the Principal Sudr Ameens with special jurisdiction under the Madras Act IV of 1863. They observe that his ordinary duties are sufficient to occupy his time, and there is already in the Zillah a Court of Small Causes by which all suits not cognizable by the District Moonsiffs are triable.

(True Extract)

(Signed) C. F. Chamier
Registrar

To
The Civil and Session Judge
of Tanjore

(True Copy)

E. W. Bird
Civil & Session Judge

Judicial Department.

Proceedings of the Madras Government.

Read the following papers—

Letters from the Civil and Session Judge of Tanjore	Dated 31st August 1863 No 776 — do — & 14th Septr — No 827
Proceedings of the High Court of Judicature at Madras	do — 13th August 1863 No —
Letter from the Civil & Session Judge of Tellicherry	do — 12th Septr 1863 No 233 29th — do — No 247
Letter from the Depy Registrar of the High Court (Appellate Side)	do — 27th November 1863 No 127
Proceedings of the High Court of Judicature at Madras	do — 19th December 1863 No 148
Letter from the Depy Registrar of the High Court (Appellate Side)	do — 13th January 1864 No 2

From the Civil Judge of Chingleput [illegible]

Order thereon 26th February 1864 No 257

In the proceedings of Government under date the 26th August last No 1378 the Hon the Judges of the High Court were requested to take into consideration the altered position of the Courts of Small Causes in the Provinces consequent on the District Moonsiffs having been invested with Small Cause Court jurisdiction by (Madras) Act IV of 1863. The reference was made partly in consequence of a correspondence which had taken place regarding the head quarters of the Court of Small Causes in the Chittoor Zillah, and partly owing to a return embodied in the administration report of the High Court for the official year 1862/63, from which it appeared that the average duration of a suit in the Courts of Small Causes during the five months that they had been in operation in 1862, was no less than 95 days. It was afterwards ascertained that this return was erroneous, the actual average being 17½ days. The replies of the Judges of the High Court and of the local judicial officers on the general question as to how far the territorial jurisdictions and arrangements for the sittings of the Courts of Small Causes, established under Act XLII of 1860, should be modified consequent on the passing of the Madras Act IV of 1863, are contained in the letters above recorded. The Governor in Council will review the recommendations which have been made, and will record

his

decision regarding the several Zillahs seriatim.

Chittoor. In the Proceedings of Government above referred to, it was suggested that the Court of Small Causes in the Chittoor Zillah, the head quarters of which had recently been transferred to Vellore, should be replaced at Chittoor, and that the judge should be vested with the powers of a principal Sudder Ameen, that his local jurisdiction on the Small Cause Side should be narrowed, and that he should be invested with exclusive special jurisdiction in the town of Chittoor and possibly in the Taluk in which Chittoor is situated. The Judge of the Small Cause Court is in favor of the head quarters being retained at Vellore, and suggests that, with the view of relieving the ~~Subordinate~~ Sessions Judge, he should be empowered to hold Criminal Sessions at the out-stations, which, he thinks, should be at Tripatty and Palamanair. The Civil Judge is also of opinion that the head quarters of the Small Cause Court should remain at Vellore, and that he be invested with exclusive special jurisdiction under Madras Act IV of 1863 in the town of Vellore and in the villages within 5 miles of the Court house, the Court of the Vellore District Moonsiff being moved to Pollicondah. He also recommends that the Judge of the Small Cause Court should be vested with the powers of a Principal Sudder Ameen, in order that he may aid the Civil Judge in disposing of Appeal Suits, the arrears of which in the Zillah Court are at present very heavy.

3. The High Court agree with the local officers as to the expediency of retaining the Head quarters of the Small Cause Court at Vellore, but object to the Judge being vested with the additional powers of a Principal Sudder Ameen, being of opinion that the work of the Small Cause Court is sufficient fully to occupy the time of the Judge. In a subsequent letter the Hon'ble the Judges of the High Court have suggested that, with the view of relieving the Civil Judge, the Principal Sudder Ameen now at Salem should be transferred to Chittoor. This arrangement however is strongly objected

to

to by the Civil and Sessions Judge of Salem and, as the Governor in Council, upon valid grounds. From a return of the number and value of Suits instituted in the Court of Small Causes, obtained from the Acting Judge, it appears that of late there has been a considerable decrease in the business of that Court, consequent, probably, on the enactment of (Madras) Act IV of 1863. During the first quarter of that year the number and value of suits instituted were respectively 731 and Rs 84,566 — During the last quarter the number was reduced to 432, and the No a little more than 4 suits a day, and the value to Rs 42,470.—

4. In these circumstances, the Governor in Council sees no reason why the Judge should not, in addition to his Small Cause Court business, aid the Civil Judge in disposing of the heavy arrears of Appeal Suits now pending on that officer's file,

and he resolves accordingly to invest the Judge of the Court of Small Causes with the powers of a Principal Sudder Ameen, and also with exclusive special jurisdiction in the town of Vellore and its environs, as suggested by the Civil and Sessions Judge and the High Court. The Collector of North Arcot will furnish a list of the villages within 3 miles of the Court House at Vellore

Probably will in future be the only jurisdiction of the Small Cause Court in this district

5. Tellicherry. The Judge of the Court of Small Causes in the Zillah of Tellicherry recommends that he should be invested with exclusive special jurisdiction under Act IX of 1863 throughout the Zillah and also with the powers of a Principal Sudder Ameen. He further suggests that he be invested with the powers under Clause II Section VIII, Act VII of 1843, to hear appeals from the Moonsiffs in Wynaad when on circuit at Manantoddy. The Civil and Sessions Judge supports the first of Mr Sharpe's recommendations except as regards the Talook of Wynaad, where he would only give him special jurisdiction. He is also in favor of the Judge of the Small Cause Court being invested with the powers of a Principal Sudder Ameen for the purpose of hearing appeals, but sees no necessity for his being invested with the powers conferred by Clause Second, Section VIII of Act VII of 1843 when on circuit at Manantoddy. Indeed, he doubts whether it is necessary that Mr Sharpe should hold sittings at Manantoddy.

6. The recommendation of the High Court is that the Judge of the Small Cause Court be vested with exclusive special jurisdiction within the local jurisdiction of the District Moonsiff of Tellicherry, but they see no necessity for vesting him with the powers of a Principal Sudder Ameen

the appeal would not bring more than the Civil Judge and the Principal Sudder Ameen now stationed at Tellicherry can get through. The High Court have authorized the Judge of the Court of Small Causes to hold sittings at Manantoddy for two months once a year. The Judge will be vested, as recommended by the High Court, with exclusive special jurisdiction within the local limits of the jurisdiction of the District Moonsiff of Tellicherry.

7. Tanjore. The Civil and Sessions Judge of Tanjore advocates the adoption of the arrangement suggested in the Proceedings of Government under date the 30th June last, No 185, that the Court of Small Causes should be transferred to Combaconum, and that one of the two Principal Sudder Ameens at Tanjore (he recommends Rungasawmy Pillay) should

should be invested with Small Cause jurisdiction under Act IV of 1863 in that part of the Zillah which adjoins Tanjore, the local jurisdiction of the Judge of the Court of Small Causes being confined to the Combaconum side of the Zillah. Mr Ward recommends that the jurisdiction of the Small Cause Court be confined to the Taluks of Combaconum, Valangiman and Trivady including Papanasam, and the special jurisdiction of the Principal Sudder Ameen to the Taluks of Tanjore, Manargudi and Puttucottah.

8. The Governor in Council resolves to direct that this arrangement shall be carried out. The High Court, he observes, are opposed to it on the ground that the ordinary duties of the Principal Sudder Ameen are insufficient to occupy his time and that there is already in the Zillah a Court of Small Causes by which all suits not cognizable by the District Moonsiffs.

can be tried
Morniffe ~~untenable~~ This objection, however, may be obviated by investing the Judge of the Small Cause Court with the powers of a Principal Sudder Ameen, which will enable him to aid in the disposal of Appeals ~~while~~ pending, while the arrangement of locating one Court at Combaconum and dividing between two officers located at the two principal towns of the District the Small Cause jurisdiction now exercised by one, will greatly conduce to the convenience of suitors in reducing the distances they have to travel to the Court. The Civil Judge will submit a draft Notification defining in precise terms the local jurisdiction of the two Courts under the arrangements now sanctioned. He will also state and will embody in the Draft Notification the limits within which Zillah special jurisdiction should be vested in the two Officers.

Negapatam

Negapatam. The Civil and Sessions Judge of Negapatam does not think it advisable to make any alteration either in the position or in the jurisdiction of the Small Cause Court in that Zillah. The High Court are of the same opinion, except in so far that they would confine the Judge of the Small Cause Court to the head station in future. It appears, however, from a return of the operations of the Small Cause Court during the year 1863, which has been obtained from the Judge, that the business of that Court has greatly diminished under the operation of Madras Act IX of 1863. In November and December last the number of suits instituted in the Court was only 70 and 81 respectively. In this Zillah, also, the Governor in Council thinks that an arrangement similar to that ordered for the Tanjore Zillah would be preferable to the arrangement now in force. The work devolving on the Judge of the

Small Cause Court, which is located at Tranquebar, is not sufficient to occupy his time. At Negapatam, which, as the terminus of the Great Southern of India Railway, is a place of some importance, there is no judicial officer of higher grade than the District Moonsiff, nor is there any resident European officer except the Joint Magistrate who must be frequently employed on his Revenue duties in the interior of his division. The Governor in Council accordingly resolves to transfer the Small Cause Court to Negapatam, to limit its local jurisdiction to the Talooks adjacent to that town, viz. Negapatam, Mayaveram, Trivalore & Tritrapoondi; to invest the Judge with the powers of a Principal Sudder Ameen, and also with the powers of a Magistrate and Justice of the Peace; and to invest the Principal Sudder Ameen at Tranquebar with special jurisdiction under the Madras Act IV of 1863.

As His Excellency in Council is satisfied that by this arrangement the judicial agency of the Zillah will be more efficiently utilized than it can be under the present arrangements, and he resolves to take this opportunity of settling the long pending question as to where the Civil and Sessions Court and Principal Sudder Ameen's Court of the Zillah should be permanently located.

11. These Courts, ever since their establishment have been located at Tranquebar, there being no buildings available for them at Negapatam. To erect new buildings and move the Courts to the latter station, would entail a considerable expenditure, and, in the opinion of His Excellency in Council, without securing any corresponding advantage. Tranquebar is the more healthy station of the two, and the only object in ~~[illegible]~~ removing the Courts to Negapatam is to have them on the line of Railway. This object the Governor in Council thinks will be sufficiently attained by the transfer of the Small

Cause Court to that station, and by investing the Judge with the powers of Auxiliary & Principal Sudder Ameen and Justice of the Peace. The Governor in Council accordingly resolves that the Courts of the Civil and Sessions Judge and Principal Sudder Ameen shall be permanently stationed at Tranquebar, and that the Zillah shall henceforth be designated the Zillah of Tranquebar. The Civil and Session Judge will submit a draft Notification embodying these changes.

12 Cuddalore. Both the Civil and Sessions Judge and the High Court are opposed to any change in the judicial arrangements of the Zillah of Cuddalore. They will stand for the present.

13 Madura. The Government have not been furnished with the views of the Civil Judge or of the Judge of the Court of Small Causes in the Madura Zillah on the question

referred

referred to in these Proceedings and the High Court do not advert to it, as regards this Zillah, further than by observing that they propose to direct that the Small Cause Court shall hold a short sitting annually of a few weeks each, at the stations of Ramnad and Dindigul. In this Zillah, which is one of the largest in the Presidency, there are a Civil & Sessions Judge, a Judge of the Court of Small Causes and a Principal Sudder Ameen, all having their head quarters (the first and the last stationary) in the town of Madura. The same considerations which have induced the Government to resolve on apportioning the Small Cause jurisdiction in the Zillahs of Tanjore and Negapatam respectively between two judicial officers, appear to apply still more forcibly to the large District of Madura where the average distances which suitors have to travel must be very much greater than in Tanjore. It would seem advisable that the Madura

Small Cause Court should be moved either to Dindigul or Ramnad probably to the latter place, the Judge being invested with the powers of a Principal Sudder Ameen, and his local jurisdiction limited to a portion instead of the whole of the District, while the Principal Sudder Ameen should be invested with the special jurisdiction under Act IX of 1863 in the rest of the District, but before passing any orders on this point the Governor in Council would wish to be furnished with information on the following points—

1st— the number of suits instituted in the Courts of Small Causes in each month of the year 1863— with the Revenue Taluk or division of the District to which the parties belong should be shown—

2d— the number of suits instituted in the District Moonsiffs Courts under Act IX of 1863 during each month since that Act became law.

3d— the number of Appeal Suits now pending in the Civil Court and Principal Sudder Ameen's Courts.

4th— the number of Appeal suits instituted and disposed of during the year 1863.

4— Two questions of some importance affecting the procedure of the Courts of Small Causes have been raised in the letters now before Government, viz., the want of power in the Courts of Small Causes to punish witnesses for neglecting to attend to their summonses, and the high rate of fees charged in these Courts as compared with the fees charged in the Courts of District Moonsiffs. The Honorable the Judges of the High Court will be requested to favor the Government with their opinion on both these points with reference to the remarks made in the letters of Messrs Davidson and Cross.

5 The Supreme Government will be again requested to

authorize

30

Authorizing the Judges of the Courts of Small Causes to frank their Letters on the Public Service

[illegible] the Judges of the [illegible]
[illegible] Judges of Tellicherry
Tellicherry
[illegible]
Vizagapatam
[illegible] Rajahmundry
Madura

Judges of [illegible] Calicut
Tellicherry
[illegible]
Vizagapatam
Rajahmundry
Madura

Magistrate of [illegible]
Malabar
[illegible]
Madura

[illegible] 1/3

[illegible] Sepr 26/
Notification for the Gazette.

Judicial 1862 Dept

No. 207.

Proceedings of the Madras Government

Dated 26th Sept 1862.

Folio 471-478 [illegible]

Mentioning certain arrangements in the Zillahs that Small Cause Courts have established &c.

Judicial Department

No. 258.

To

The Secretary to the Govt. of India,

Home Department

Sir,

With reference to my letter of the 12th July 1862 No. 223 Public Dept, I am directed to state for the information of His Excellency the Governor General in Council, that it has been represented by the Honorable the Judges of the High Court that much inconvenience is caused by the Judges of the Court of Small Causes in this Presidency not being authorized to frank their letters on the Public Service, and to request that the necessary authority may be given.

2. Orders have been given for locating some of these Courts at stations where there are no European Officers permanently stationed, and in some Zillahs the Judges are required to hold sittings at

on

whom they experience
great difficulty in getting their
letters franked

Fort St George
26th February 1864

No. 258 A

Judicial Department

To
The Hon'ble Sir C. H. Scotland, Knight
Chief Justice of the High Court
of Judicature
Madras

Hon'ble Sir,

I am directed by His Excellency the Governor in Council to transmit to you the enclosed Proceedings of Govt. dated the 26 Inst. Nos 256 & 257, and to request that you will favor the Govt. with your opinion on the points referred to in para. 4 of the Proceedings No. 257 —

Fort St George
29th February 1864

Judicial 1864. Sep.

No. 253 A.

To the Chief Justice of the High Court of Judicature at Madras.

Dated 26th September

R No. 562 & 669–703

Requesting opinion on the points referred to in para. 11 of the Prov. 26th Statement No. 257 on the subject of the jurisdiction of the Small Cause Courts