

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

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| G.O. No. | 387   | Press<br><del>Mis.</del> |
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| Dated    | 17-3- | 191864                   |

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,  
17th March 1864.*

Read the following papers:—

No. 209. From C. F. CHAMIER, Esq., Registrar of the High Court of Judicature at Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 15th March 1864, No. 17.

I am directed to acknowledge the receipt of your letter, dated the 1st instant, enclosing copy of a communication from the Secretary to the Government of India respecting the Bill for raising the jurisdiction of the Presidency Courts of Small Causes to the extent of Rupees 1000, and requesting the opinion of the Judges upon the measure.

2. As it appears to be the wish of the Government of India that the Bill should be passed at the present sitting of the Council for making Laws and Regulations, there is no time for the preparation of statistical statements. The Chief Justice and Sir Adam Bittleston, Justice, have however in a joint Minute recorded their views founded on their experience of the working of the provisions of the law relating to the trial of Small Causes. A copy of that Minute is annexed to this letter for the information of His Excellency the Governor in Council.

No. 210. Joint Minute recorded by the Honorable Sir COLLEY HARMAN SCOTLAND, Knight, Chief Justice, and the Honorable Sir ADAM BITTLESTON, Knight, Justice.

"Judging from recollection of the business on the Original Side of the High Court, and supposing all suits for 1000 Rupees and under to be brought in the Small Cause Court, the effect of the proposed measure would probably be to take away about one-fifth of the original suits from the High Court. There is not, we think, any absolute necessity for the measure here, as the High Court is able by continued sittings to prevent any considerable accumulation of arrears; but on the other hand we see no objection to raising the jurisdiction of the Small Cause Court as proposed. To some suitors the alteration may prove a benefit, by saving expense and perhaps affording speedier redress. At present in all cases in which judgment is obtained at the first hearing in the High Court, there is, we believe, very little difference between the two Courts, whether as regards expense or rapidity of proceedings; but in cases in the High Court in which issues are settled there must, in the greater number of cases, be a considerable difference. It is, however, to be observed that even now suits for amounts below 500 Rupees are brought in the High Court though the plaintiffs, if successful, know they can get no costs; and we think it probable the same thing will occur to a somewhat greater extent if the jurisdiction now exercised concurrently with the High Court be extended to suits brought for sums above 100 Rupees, and not exceeding 1000 Rupees. Upon the whole, the inclination of our opinion is in favor of the proposed measure."

(A true Copy.)

(Signed) C. F. CHAMIER,  
Registrar, Appellate Side.

No. 211. From J. U. STEELE, Esq., Senior Judge of the Madras Court of Small Causes; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 8th March 1864.

I have the honor to state for the information of His Excellency the Governor in Council, that I approve of the proposal of extending the jurisdiction of the Presidency Small Cause Court from Rupees 500, its present limit, to Rupees 1000.

2. There is no doubt that the principle on which Small Cause Courts in this country and County Courts in England have been established, is a sound one; and that in both countries since the establishment of these Courts they have worked well. The objections at first that were made against the principle on which they were established have been found to have very little weight. Any apprehension that was entertained as to their summary and decisive administration of justice working badly, no longer generally exists, but these considerations are on the contrary now regarded as the chief amongst the many advantages sought to be derived from the establishment of these Courts. If this should be found to be the case at Home, as I believe it has, it applies with much greater force to India. For if in England—in a country of a most compli-

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cate civilization, where the administration of Justice is most closely watched, and where the people are jealous of their Civil rights—a summary, decisive, simple and inexpensive mode of administering justice in certain cases is adopted and approved of, such mode of administration must have more to recommend it in a country like India where the dealings and transactions of the inhabitants are less complex, where speedy and decisive justice is a great advantage from reasons peculiar to the condition and disposition of the people themselves, and where from their previous habits and feelings they are enabled to understand and appreciate a mode of procedure and administration at once simple and prompt. The only difficulty is as to what extent the principle on which these Courts are founded should be carried out; I think granting the principle on which they were established, that it should be carried out to a greater extent in India than in England, and for the reasons that I before mentioned. Hitherto the jurisdiction of these Courts in both countries have been the same. But I understand that even in England it is intended to enlarge the jurisdiction of the County Courts. If that is so it is an additional consideration to many others, why the step should be taken in India and especially when public opinion is, as I conceive it is, in favor of the movement. I may also remark that cases are occasionally instituted in the Small Cause Court in which the excess over Rupees 500 is abandoned in order to give the Court jurisdiction. This fact also indicates the favorable way in which the Court is regarded by the public. The only objections that I can conceive that could be reasonably made against the extension of the jurisdiction of these Courts are: 1st, as to extending to too large an amount on a summary decision; and, 2ndly, that from the amalgamation of the High Courts and the application of the Code of Civil Procedure as the procedure of the superior tribunals, there is no occasion to extend the jurisdiction of the Small Cause Courts. As to the first objection, namely, the amount which might be decreed on a summary decision, I beg to remark that there may be the same questions of law and facts of equal difficulty of decision in a case of Rupees 500, nay in a case of Rupees five as in a case where Rupees 1000 are in litigation. But even if any apprehension could be seriously entertained in allowing a final decision to the extent of Rupees 1000, it would be very easy to meet the difficulty by providing proper machinery in the Bill to deal with cases over a certain amount, say above the present jurisdiction of Rupees 500. I do not consider that I am required at present to suggest any particular means of carrying out that object or I would do so.

3. There is no doubt that the application of the Civil Procedure Code to the High Courts has simplified the procedure of those tribunals, and there is no doubt also that by reason of its application many cases find their way at present into the High Court, similar cases to which would formerly have been decided in the Small Cause Courts. But that is the case, in my opinion, not from any dislike on the part of suitors to the inferior tribunals, but my reason of the provisions of the Procedure Code. Under that Code there are two hearings for cases, the first on the settlement of issues, and the second on final disposal. There is but one hearing in the Small Cause Court and the fees that are paid at the institution of suits very nearly carry the cases through the Court; whereas in the High Court the fees are paid at each step in the suit. The result is, that if in cases over a certain amount, say over Rupees 300, where there is likely to be no defence or no real defence, such as on Promissory Notes, Bills of Exchange, &c., and where therefore it appears likely to the suitors that if such cases be brought in the High Court they may be finally disposed of on the first hearing, they are accordingly brought, and final decisions are obtained on the first hearing at a less expense than if the case had been instituted in the Small Cause Court. All this result, it will be perceived, is no argument for not extending the jurisdiction of the Small Cause Courts. It is a defect on the present state of things, a remedy to which I feel satisfied would at some time or other be applied. The best way to rectify it, in my opinion, would be to apply the Civil Procedure Code to a certain class of cases in the Small Cause Courts, a good opportunity and a greater necessity for which would be afforded and arise if the jurisdiction of the Courts were extended. In that case all the larger cases would be disposed of in the Small Cause Court as quickly as satisfactorily and less expensively than at present, and the time of the Judges of the High Court would not be consumed as it is at present in some instances in disposing of the easiest cases that could and ought to come into the Small Cause Courts. From this view, I am

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of opinion that the simplifying of the Procedure of the High Court, is rather a reason for, as it certainly is no objection to, the extension of the jurisdiction of the Small Cause Courts.

4. There are many matters that I think ought to be considered in case of the extension of the pecuniary jurisdiction of the Madras Small Cause Court, such as local extension of the jurisdiction, jurisdiction clauses and defects in the present Act, but as it appears to me that my opinion is not sought on these points, I do not like to make any remarks in reference to them, lest I might be obtruding them on the consideration of His Excellency the Governor in Council.

5. I unhesitatingly approve of the proposal of extending the jurisdiction.

I agree.

(Signed) C. RUNGANADA SHASTRY.

No. 212. From G. E. COWER, Esq., Judge of the Madras Court of Small Causes; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 8th March 1864.

I have the honor to submit, for the consideration of His Excellency the Governor in Council, the following remarks, in reference to the Order of Government, dated 1st March 1864, No. 274, requesting the opinion of the Judges of the Small Cause Court, as to the expediency of increasing the jurisdiction of the Court at Madras to the sum of Rupees 1000.

2. I beg to state that in my estimation the proposed measure is likely to prove not only advantageous, but highly popular.

3. In support of this view, I would remark that in the year 1850, when Act IX of that year constituting the Court was brought into operation, a most influential and numerous attended meeting of Native gentlemen was held at Madras, in reference to this subject, and the result was a Memorial, since recorded, containing an urgent request that an extended jurisdiction, similar to that now proposed, might be conferred on the Court, which Memorial affords sufficient evidence as to the general tendency of public opinion. It may be presumed that the Government of the day considered the time had not arrived for granting such extended powers, until the then novel system, should have been first practically tested, but now that a lengthened experience has resulted favorably, it is to be hoped the authorities will see no reason to hesitate further in yielding to the public voice.

4. As further evidence of the high estimation in which the Court is held, I would call attention to the fact that the number of actions instituted between the months of January 1851, and December 1863 inclusive, aggregates the very large total of 2,87,988.

5. I may state without fear of contradiction, that the tendency of public opinion in favor of enlarging the powers of Courts possessing summary jurisdiction, not only prevails in this country, but also in England, as is evinced by the fact, that a similar extension of jurisdiction of the County Courts has been earnestly called for, and judging by the European news of last Mail, has in all probability been ere now conceded.

6. I have read Mr. Steele's letter in which I beg to concur; and the above are the only additional remarks which occur to me in relation to the subject under consideration. I trust that

\* See enclosure marked A.

I may not be deemed to obtrude uncalled for opinions, if I venture to annex\* a few suggestions regarding certain defects in the existing law, with the hope that they may be allowed some weight, in considering how that law may be altered with benefit to the people.

7. It will be observed that it is intended to pass the proposed Act into law without delay, in which case it is to be apprehended that no further reference as to matters of detail will be made to Madras. I am therefore induced to avail myself of the present, which may be the only opportunity afforded, for making the appended remarks.

I agree.

(Signed) C. RUNGANADA SHASTRY.

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*Enclosure A, in Mr. Cower's letter, dated 8th March 1864.*

1. The advantages of summary tribunals are so well adapted to the wants of the population, and so highly appreciated that any measure to substitute them for the Sudder Ameens' Courts through the country would be most favorably received. With a view to effect the above object, it is proposed that the intended Bill may be so framed as to include within the local jurisdiction a considerably extended area around the Presidency Town, say the entire District of Chingleput. In that case the Local Court would require to be supplemented by at least three others in the interior of the District, each to be in charge of an Assistant Clerk subordinate to the Chief Clerk at Madras.

2. In the event of the above suggestion being approved of, it would be requisite that the present, with the additional Judges should in turn go circuit for the discharge of current business, a measure less expensive to the State than the system now operating in the adjoining Districts.

3. Assuming the extent of the Zillah of Chingleput not to fall short of 5400 square miles, containing a population of about 6,000,000. It may be estimated that the legal requirements of the population distributed over this space, would call for at least three additional Courts, one to be located at some village to the North-west of Madras, equi-distant from Pareapollum, Pulicat, and Ennore, another at, or in the vicinity of Conjeveram, and another at Caroongoolee in the South-west portion of the Zillah.

4. A modification of the above scheme was some time since submitted to the Honorable Mr. Morehead, a gentleman intimately acquainted with wants of this Presidency, and he was pleased to signify his approval of it.

5. It will be within the recollection of Government that in the year 1861, certain petitions were laid before them from traders at Madras complaining that the existing law furnished them with no remedy in the local Court, against parties residing up-country, who were in the habit of making purchases of goods at Madras; no doubt these petitioners had some foundation for their complaint, and the hardship in this respect has been increased of late, as residents in the Mofussil have now such a ready means of transit by rail to and from Madras, that up-country purchasers have become so numerous, that in the interests of trade, the resident dealer should be protected; and instead of being compelled to leave his home, at great expense and inconvenience, to sue his debtor, in that debtor's own Court, the latter should be rendered amenable to the Court of the

District where the sale takes place. With this view, it would be well to introduce a clause similar to that of the County Courts' Act;

whereby subject to certain prescribed preliminaries, the Court is invested with jurisdiction if the cause of action has arisen within its limits.

6. The present Courts of Small Causes have no power to issue commissions to examine witnesses, and although it may be contended that in a Court of summary jurisdiction, no such power is required, a strong opinion to the contrary prevails; as numerous instances occur in which native females of rank, who could not, and would not appear in Court, have been obliged to suffer injustice, because the Judge had not the power to put one or two simple questions through the medium of a commission; and it is suggested that the Court should be clothed with requisite authority in this respect.

7. It frequently occurs that the progress of a case is retarded by the Court having no power to grant a writ of *Habeas Corpus ad testificandum* to obtain the attendance of witness who is in

custody. This is a power vested in the Police authorities, as well as in the County Courts; nor does any reason appear why this Court should not be put on a similar footing.

8. It is provided by Section 20 of Act IX of 1850, that half costs shall be refunded in all cases settled before hearing. This enactment necessitates a large establishment to carry out its operation, and practically increases litigation by affording the opportunity of instituting questionable suits, in the expectation that a compromise will be agreed to before hearing, and the

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above view of this matter is borne out by the opinion of the majority of the Law Commissioners appointed by the Government of Fort Saint George in the year 1859, who recommended the repeal of that portion of the Section above referred to.

9. The Schedule of Fees annexed to the Act might be altered by increasing the fees payable on each Summons, Subpoena, and Warrant from two to four Annas in cases under 10 Rupees, and to one uniform charge of six Annas in all cases under Rupees 20. This is suggested, as the smaller cases, which are the more numerous, and which cost the State as much as cases of greater magnitude, are not sufficiently taxed at present; the result being much vexatious and frivolous litigation.

10. The Local Court sits daily throughout the year, with the exception of authorized holidays, the sittings last year amounting to 261 days. If this be compared with the sittings of the County Courts, the result will be most favorable to this Court. All the other Courts in India, save the Court of Small Causes at the Presidency Towns, enjoy a recess of two months in the hot season; and it is submitted with the utmost deference, and respect that this Court may fairly hope for similar indulgence at the hands of the State. (Signed) G. E. COWER.

**COPY—OPINION.**

The question of the expediency of extending the jurisdiction of the Small Cause Courts in the Presidency Towns so as to include sums of Rupees 1000, is one, as it appears to me, of considerable doubt and difficulty, in which much may fairly be urged on both sides.

2. Inasmuch as there is no appeal from the decisions of the Small Cause Court, and the maxim "interest reipublice ut sit finis litium" is no where more applicable than among a community so proverbially litigious as the Hindoos, the proposed extension would doubtless be, in some degree, and no small one, a public benefit.

3. Against this, however, must be set off the inferior quality of the law administered in that tribunal when compared with the High Court—an objection, however, whose weight would be much diminished were the first Judge somewhat less impracticable than he is said to be (for I have no personal knowledge on the subject) when applied to by suitors or their advisers about stating cases, upon questions of Law or Equity, for the opinion of the Judges of the High Court.

4. It is rather an invidious matter to have to offer an opinion upon a matter which necessarily involves a consideration of the "personnel" of the Small Cause Court; but I do not see how it is to be quite avoided in the present instance; for, if the quality of the law administered by the Small Cause Court Judges were equal to that administered in the High Court, there can be little doubt that the balance of advantages would be on the side of the Small Cause Court, in defended cases, where suitors appear by their legal advisers. In the Small Cause Court the decision costs much less, is obtained somewhat sooner, and the questions therein involved are finally settled. In the High Court, on account of the fees of Counsel and Attornies, a decision costs considerably more, takes somewhat (though not much) longer to obtain, and is open to an appeal to the full Court.

5. This, however, is only as regards defended cases. In undefended cases I have been informed that the first Judge has been heard to complain that suitors have left his Court in order to go before Sir Adam Bittleston, whose proceedings in settling issues, and in disposing of suits at the first hearing, are as speedy as satisfactory, while the expense is the merest trifle.

6. Much of course depends upon the nature of each case. The undefended cases I understand are generally disposed of by Ranganada Sastry; and I believe it is the general opinion that he administers very substantial justice. Defended cases, I believe, are usually heard before either the first or second Judge, or a full Court. In these cases, where the question is some such simple one as the plaintiff's right to recover upon a Bond or Promissory Note, or the defendant's liability thereupon, or depends upon the capacity to estimate correctly the veracity of witnesses whose testimony conflicts *inter se*, I have heard no reason to doubt that these two Judges are fully competent to, and do administer sound law, and do substantial justice; but in cases involving questions of mercantile law, I have heard that some of their proceedings have not given equal satisfaction.

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7. I am not aware that any desire has been expressed at Madras, at least since the amalgamation of the Courts, and the introduction of the Code of Civil Procedure, by any class of the community, for the extension of the jurisdiction of the Small Cause Court; and I am not aware of any thing in the state of legal business in the High Court, where causes may now be decided, if the parties please, very rapidly indeed, that seems at all to call for any such extension.

8. The objections to such extension I have noticed; but I must admit that one of the most serious, in my opinion, would be met, if the 55th Section of Act IX of 1850 were so modified (which I am decidedly of opinion should be done) that the Judges should be bound to reserve questions of Law or Equity and to state a case thereupon for the opinion of the High Court, upon some such terms as were formerly in force upon the Equity Side of the Supreme Court (see the 104th Equity Rule) to entitle a party to obtain a re-hearing, viz., "a petition to be filed within, say, "a fortnight, having annexed thereto a certificate under the hand of Counsel that the cause "or other matter is, in his opinion, fit and proper to be submitted for the opinion of the High "Court, the party filing such petition to deposit with the Registrar the sum of — Rupees, to be "paid to the adverse party when the decree is not varied in any material point."

9. I have confined myself to the question as it regards the Madras Small Cause Court; and even as regards that I have no personal knowledge, and merely speak from information.

10. As regards the general question, it seems obvious that wherever the High Court has more to do than it can get through, or wherever the Small Cause Court Judges possess a high degree of legal knowledge, and ability, the more expedient it will be, under such circumstances, to extend the jurisdiction of the Lower Court.

11. I have heard that, some time ago, there was a pretty general desire expressed at Calcutta for such an extension, based a good deal upon the first of these reasons, and also, at least as regarded the first Judge, upon the second ground; while a less legitimate but very extensive ground, at least as regarded the Native community, was said to be founded upon the belief (whether well or ill-founded, I have no means of judging) that marked favor was shown by the Native Judge to Natives against Europeans, and especially to servants against masters. It is but just to Runganada Sastry to state that I have never heard any such opinion expressed here about him.

(Signed) T. S. SMYTH,  
*Advocate General.*

3rd March 1864.

No. 213. From the Honorable J. B. NORTON; to the Honorable A. J. ARBUTHNOT,  
Chief Secretary to Government, Fort Saint George, dated 10th March 1864.

I have the honor to acknowledge the receipt of the Proceedings in Council of 1st March 1864, No. 274.

2. In reply to the question on which His Excellency the Governor in Council has done me the honor of asking my opinion, I think that it is expedient to raise the jurisdiction of our Small Cause Court to the extent specified, 1000 Rupees.

3. The Bill referred to appears to have originated with the Calcutta authorities, where it may be that the High Court in its original side is so overburdened with work, as to render the measure in that city imperative. No such necessity exists here: and I base my opinion upon other considerations.

4. The principles on which Courts of Small Causes are founded have been thoroughly tested in England, and to a very considerable extent satisfactorily in India.

5. Every measure which tends to bring home the dispensation of justice to the doors of the people at large, with cheapness and speed, and by a procedure unembarrassed by unnecessary technicalities, is in my judgment one to be adopted.

6. I have considered whether, with our present simple Code of Procedure, the High Court on its original side does not meet all that can be reasonably required by suitors in actions where the amount claimed runs from 500 to 1000 Rupees: and in undefended cases I learn that many actions which, before the amalgamation, would have been brought in the Small Cause Court, are now brought in the High Court, because the cost to the suitors in such actions is actually less in the High Court than the institution fee in the Court of Small Causes.

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7. But it is certainly not so in defended cases: and therefore, although I think that the change may seriously affect the profits of all professional men, and especially the Attornies, my opinion is in favor of the proposed measure. The proper point of view in this matter is not one which comprehends only class interests, but that which regards the good of the people at large.

8. If it be urged that cases of considerable importance may thus pass from a more highly to a less highly qualified tribunal, the answer is that the objection points rather to the machinery by which the measure is to be carried out, than to the principle of the measure itself. The presumption is that the Government, in proportion as it commits a wider jurisdiction to the Courts of Small Causes, will the more anxiously guard against any but duly qualified men succeeding to the Bench from time to time.

9. The objection too is one equally applicable, or nearly so, to causes within the amount of 500 Rupees: for it is obvious that the difficulty of a case depends not upon its money amount, but the intricacy of the circumstances or the uncertainty of the law involved in it.

10. I think, however, that it would be expedient, in all cases above 500 Rupees, to allow an appeal upon points of law but not of fact: such a provision would probably go far to reconcile suitors, especially the mercantile community, to the proposed change.

No. 214. From J. R. BOYSON, Esq., Government Solicitor, Madras; to the Honorable  
A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 15th March  
1864, No. 123.

Referring to the Proceedings of Government noted in the margin, I have the honor to report,

Dated 1st March 1864, No. 274, Judicial Department.

after giving the subject very mature consideration, that, in my opinion, it is expedient to raise the jurisdiction of the Small Cause Court at

Madras to the extent of 1000 Rupees; and my conviction is that the results of this measure will tend to benefit the public as suitors and litigants. I think, however, that, if such jurisdiction is extended, there should be a *right of appeal* to the High Court on questions of law (but not of fact) in all cases where the sum sued for amounts to or exceeds 500 Rupees. It seems to me that litigants have a fair right to this privilege of appeal, seeing how large a proportion of important commercial cases, raising difficult questions of law, may not involve sums in excess of 1000 Rupees. I think also that it would be desirable to give litigants a *right* to a case to the High Court in all suits where the sum sued for amounts to or exceeds 200 Rupees, instead of leaving the granting of such case to the "discretion" of the Judges of the Small Cause Court, as now provided by Section 55 of Act IX of 1850.

2. One reason for extending the jurisdiction of the Small Cause Court at Calcutta, which probably operates there and has considerable weight, is the importance of granting some relief to the Judges of the High Court (at Calcutta) already so over-burdened with their public duties as to necessitate heavy arrears, with all their serious consequences to the public and the administration of justice. No such necessity exists at Madras; and my impression is that, if the jurisdiction of the Small Cause Court at Madras be extended to 1000 Rupees, and the Original and Appellate business of the High Court continues to decrease as it has done latterly, the Judges of the High Court will not only soon be without arrears, but will have barely sufficient occupation for their official time.

3. I find that the expense of a suit in the Court of Small Causes for a claim of 1000 Rupees, up to and inclusive of execution, calculated upon the present scale of charges, would be about Rupees 150, supposing the plaintiff recovered a verdict at the first hearing (on the return day of the Summons), and the Court allowed 10 Rupees for Attorney's fee, whilst the expense of an undefended suit on the Original Side of the High Court, if finally disposed of on the first hearing for settlement of issues by a decree in plaintiff's favor, would be, up to judgment pronounced, about 100 Rupees, or about Rupees 195, including subsequent charges and costs of issuing execution.

4. In defended suits in the High Court, where issues are settled in the first instance, and there is a subsequent hearing for final disposal, the expense of such a suit in the High Court,

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involving as it would do the payment of a fee to Counsel, &c., &c., would be very much heavier than in the Court of Small Causes.

5. My opinion, however, as to the expediency of extending the Small Cause Court's jurisdiction is founded not so much on calculations such as these, but upon more general and comprehensive grounds.

1st.—That the system and practice of Small Cause Courts in India and County Courts in England have been proved, by sufficient experience in India, and by still longer experience in England, to be well suited for the wants of the people, and for the substantial and satisfactory administration of justice.

2ndly.—That both system and practice are alike simple, expeditious, and inexpensive, and have the great advantage of dispensing, as far as possible, with all unnecessary legal technicality.

3rdly.—That it is desirable to extend our (Madras) Small Cause Court's jurisdiction, provided such extension can be effected not only without prejudice to the interests of the public, but to their benefit.

4thly.—That this object can, in my opinion, be attained by giving the right of appeal to the High Court, which I have suggested, and by Government's appointing to the Bench of the Madras Small Cause Court, such Judges only as are equal to the duties reposed in them and are competent, from legal education and experience, to the efficient and satisfactory performance of those duties.

6. I have no doubt that the proposed extension of our (Madras) Small Cause Court's jurisdiction will seriously affect the pecuniary interests of the Attorneys of the High Court by the reduction, which it will necessarily cause in the available practice on the Original Side of the High Court; but this circumstance should not, in my opinion, be permitted to have any weight in dealing with the question, as it is but right and sound in principle, that class interests should give way, and be sacrificed, in case of need, to the public good.

No. 215. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 17th March 1864, No. 387.

In acknowledging the receipt of your letter of the 19th ultimo, No. 1180, calling for the opinion of this Government on the proposal to raise the jurisdiction of the Courts of Small Causes in the Presidency Towns to Rupees 1000, I am directed to state that the Governor in Council is in favor of the measure and to submit, for the consideration of His Excellency the Governor General in Council, the annexed copies of letters from the Honorable the Judges of the High Court, the Judges of the Court of Small Causes, the Advocate General, the Honorable J. B. Norton, lately Acting as Advocate General, and the Government Solicitor, who have been consulted on the subject, and all of whom are favorable to the proposed extension of the jurisdiction of the Small Cause Court.

2. It will be observed that the Honorable Mr. Norton, and the Government Solicitor recommend that the Bill should provide for an appeal on points of law, in all cases, wherein the money value at issue shall exceed Rupees 500; while the Advocate General suggests that such an appeal should be allowed in all cases without reference to the sum at issue on which Counsel may certify within 15 days that the cause is, in his opinion, fit and proper to be submitted for the opinion of the High Court.

3. The Governor in Council is not prepared to support either of these suggestions, being of opinion that they would cause a needless hindrance to the despatch of business in the Court; but if it should be deemed advisable in any way to alter the provisions of Section 55 of the present

Act IX of 1850.

Act, His Excellency in Council thinks that such alteration in the law should apply to all cases without reference to the amount sued for.

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

Exd. J. Tulloch.

Judicial Department.

No. 387.

July 19<sup>th</sup> 1864  
The Government of India -  
Home Department  
In acknowledgment of your letter of the 19th ultimo, No. 1180 calling for the opinion of this Government on the proposal to raise the jurisdiction of the Courts of Small Causes in the Presidency Towns to Rs. 1000 - I am directed to state that the Governor in Council is in favor of the measure and to submit for the consideration of His Excellency the Governor General in Council the annexed copies of letters from the Honorable the Judges of the High Court, the Judges of the Court of Small Causes, the Advocate General, the Honorable J. B. Norton, lately Acting as Advocate General, and the Government Solicitor, who have been consulted on the subject, and all of whom are favorable to the proposed extension of the jurisdiction of the Small Cause Court.

The Governor in Council is in favor of the measure and to submit for the consideration of His Excellency the Governor General in Council the annexed copies of letters from.

un-considered.

I have the 2<sup>nd</sup> para.

of the draft before me  
from which it certainly  
does not follow that

any individual that  
the appeal should be  
the introduction

into our small families  
to meet the  
suggestion, I have a

great suspicion  
is designed to have  
measure of importance

measure of importance

the large interests which  
will be injuriously  
affected by the proposed  
change in the immi-  
-gration. Very probably -  
at any rate it seems to me  
the best of the best of the  
people from my  
view of the situation. -  
A. J. Cunningham

Will you pass the papers  
on to the former &  
notify the board.

desp 18/3/62  
per Member  
H.P. Hill

4752

Judicial Department.

N<sup>o</sup>. 387.

To the  
Secretary to the Government  
of India -  
Home Department

Sir -  
In acknowledging the  
receipt of your letter of the  
19<sup>th</sup> ultimo No. 1180 calling  
for the opinion of this Govern-  
ment on the proposal to raise  
the jurisdiction of the Courts  
of small causes in the Pre-  
sidency Towns to Rs. 1000 -  
I am directed to state that  
the Governor in Council is in  
favour of the measure and to  
submit for the consideration  
of His Excellency the Gover-  
nor General in Council - the  
annexed copies of letters  
from.

W. J. P.

from the Honorable the  
Judge of the High Court.  
the Judge of the Court of  
Small Causes, the Advocate  
General; the Hon<sup>ble</sup> J. B.  
Dorson, lately acting as Ad-  
vocate General. and the Go-  
vernment Solicitor who have  
been consulted on the sub-  
ject and all of whom are  
favourable to the proposed  
extension of the jurisdiction  
of the Small Causes Court.

2. It will be observed. that the  
Hon<sup>ble</sup> J. B. Dorson and the  
Government Solicitor re-  
commend that the Bill  
should provide for an ap-  
peal. on points of law. in  
all cases. wherein the money  
value at issue shall ex-  
ceed. Rs. 500. <sup>that</sup> ~~and~~ the Ad-  
vocate General suggests  
that such an appeal should  
be allowed in all cases.  
without reference to the sum  
at issue on which Counsel  
may certify. within fifteen  
days. that the cause is in  
his opinion fit and proper  
to be submitted for the opini-  
on of the High Court.

The Governor in Council is  
S. H.

Act II of 1850

Fort St. George }  
17 March 1864 }

prepared to support either of  
these suggestions, being of opinion  
that they would cause a great  
less hindrance to the dispatch  
of business in the Council. but  
if it should be deemed  
<sup>in any way</sup> desirable to alter the provisions  
of Section IV. of the  
Act. His Excellency in Council  
thinks that such alteration  
in the law should apply to  
all cases. without reference  
to the amount sued for -

W. H.

209-215

Medical & 1884 Report  
J. H. 387.  
The day to the 6th of  
the day  
J. H. 625.  
J. H. 625.