

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1122	Press Mis.
Dated 12. 8	1965.

Not to be folded or roughly handled

FROM

A. J. ARBUTHNOT, Esq.,

Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

With reference to the Despatch addressed to the Government of India by the Right Honorable the Secretary of State, under date the 9th July 1863, directing

* An Act for investing certain Courts in the Presidency of Fort Saint George, either wholly or in part, with the jurisdiction exercised by Courts of Small Causes established under Act XLII of 1860.

that, after the expiration of a year from the passing of the (Madras) Act* No. IV of 1863, a report might be submitted to

the Supreme Government on the opera-

tion of those provisions by which the appeal is taken away in all cases cognizable by a Small Cause Court, when the debt, damage, or demand does not exceed 50 Rupees, I am directed to submit for the consideration of His Excellency the Viceroy and Governor General in Council the annexed copy of a letter from the Registrar of the High Court, forwarding a Statement of the operations of the District Moonsiffs in this Presidency under the Law in question, during the year 1864, and stating the opinion of the Judges as to the working of those provisions to which the Secretary of State more particularly refers.

2. It will be seen that out of 73580 suits received on the files of the District Moonsiffs of this Presidency, under the Act in question, during the year, 68244 were disposed of before its close, and that the average duration on the file of the Court of the suits disposed of was two months and eight days. On reference to the Administration Report on the Judicial Department, it appears that the average duration of ordinary suits before the same functionaries, of which the number disposed of was 64156, was eight months and nine days. The same Report shows

Suits pending before District Moonsiffs.	
On the 31st December 1860.....	58,471
Do. 1861.....	1,40,146
Do. 1862.....	1,09,315
Do. 1863.....	73,173
Do. 1864.....	47,062

that, at the close of the year under review, the arrears of business before those tribunals were considerably lower than was the case at the close of any of the four years immediately preceding. The

years 1861 and 1862 were exceptional years; but the reduction of the arrears in 1864 as compared with 1863, amounting to 26111, which must be in a great measure attributable to the more prompt disposal of the suits under the Small Cause Court Procedure, is very satisfactory. It may be added that, since the Act was passed, ten District Moonsiffs' Courts have been abolished.

3. In regard to the operation of those provisions of the Act under which the decrees of the District Moonsiffs in cases tried by them under the Act is final, the opinion of the Zillah Judges generally, and of a majority of the Honorable the Judges of the High Court, is that the Act works well and has given general satisfaction. This opinion is mainly founded on the almost entire absence of complaints, and the Governor in Council sees no reason to question its correctness.

I have the honor to be,

Sir,

Your most obedient servant,

FORT SAINT GEORGE,
12th August 1865.

Chief Secretary.

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From P. P. HUTCHINS, 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, 7th April 1865, No. 33.

Adverting to the Proceedings of Government, 3rd September 1863, No. 1416, I am desired by the High Court to forward the accompanying Statement, showing the operations of the District Moonsiffs under Section III of (Madras) Act IV of 1863, by which the appeal was taken away in all suits cognizable by a Small Cause Court, when the debt, damage, or demand does not exceed fifty Rupees.

2. The Reports of the Civil Judges are necessarily very meagre, as, from the absence of an appeal, the proceedings of the Moonsiffs never come under their review; but the prevailing impression undoubtedly is that the Act works well, and has given general satisfaction. Mr. Cherry alone, the late Civil Judge of Salem, considers that "it is distasteful to the Natives," but he ascribes this to their being "so fond of a lengthened litigation," as often "wilfully to abuse the remedy of an appeal merely for the purposes of procrastination," and he adds his belief "that the more sensible portion of the community will in time appreciate the benefits" of the enactment. The Acting Civil Judge of Bellary has "no doubt that the introduction of the Act has been attended with the double advantage of relieving the regular files of the District Moonsiffs of a vast number of trivial cases, and of enabling suitors to have their simple debts easily and inexpensively settled in a "satisfactory manner." The relief to the District Moonsiffs has been so great that in more than one District their number has been reduced. The files of the superior Courts have also been lightened by a corresponding diminution of the number of appeals. "The relief thus given to the Civil Court of Rajahmundry," however, "has not been very sensibly felt, owing to the great increase of appeals in suits not affected by the Act." But the Civil Judge further remarks that "this increase only shows how much the Act was required to prevent the Appellate Court being still more burdened."

3. The almost total absence of complaints has been referred to by several of the Civil Judges as going far to show that the Act works well; but it must be remembered that the right of appeal has been expressly taken away, and many may have refrained from making complaints which they would otherwise have made, because they knew that they could not be admitted. So far as it goes, however, this general absence of complaint may be accepted as an indication that the Act works satisfactorily.

4. The late Civil Judge of Guntoor is the only Judge who notices having received any complaints, and he goes on to "suggest that the Civil Judge should be empowered to interfere in cases where a reasonable ground of complaint may appear to exist," and after inquiry, if he finds it necessary, to report the case "for the final decision of the High Court."

5. The High Court are of course unable to add any thing to the above remarks from their own observation, but considering the large amount of business coming before the District Moonsiffs, the expeditious way in which, in most of the Zillahs, it is disposed of, and the almost entire absence of complaints, and relying moreover on the general tenor of the Reports before them, a majority of the Judges are disposed to think favorably of the working of the Act. A further improvement may doubtless be looked for, as the class of men from which District Moonsiffs are taken advance in education and efficiency.

Operations of the District Moonsiffs invested with final jurisdiction in Small Causes under the Madras Act IV of 1863, for the year 1864.

Operations of the District Moonsiffs invested with final jurisdiction in 1863.																		
Zillah.	Received.			Disposed of.						Pending.					Average duration on the file of the Suits disposed of.			Suits pending more than 8 months, on 31st December 1864.
	Pending.	Instituted.	Total.	Decreed on merits.		Dismissed for default.	Adjusted or withdrawn.	Otherwise disposed of.	Total.	More than 3 months.	More than 2 and less than 3 months.	More than 1 and less than 2 months.	Less than 1 month.	Total.				
				For Plaintiff.	For Defendant.										15	16		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	Years. Mths. Days.			15	16
Bellary...	195	1,571	1,766	539	430	19	505	93	1,586	...	...	...	180	180	...	...	26	...
Berhampore...	452	2,516	2,968	1,549	856	104	295	105	2,909	...	...	...	54	59	...	...	5	118
Calicut...	856	6,606	7,462	4,011	636	578	1,198	169	6,592	183	28	116	543	870	...	...	...	249
Chingleput...	367	1,149	1,516	784	158	88	191	43	1,264	21	32	84	115	252	...	...	25	216
Chittoor...	179	2,466	2,645	1,472	186	239	469	142	2,508	...	...	...	121	137	...	...	15	1
Coimbatore...	107	1,089	1,196	529	149	23	286	1	988	...	...	...	193	208	...	...	...	...
Cuddalore...	100	3,468	3,568	2,028	555	136	620	91	3,480	...	...	...	136	138	...	...	14	...
Cuddapah...	...	1,478	1,634	444	74	126	666	52	1,362	...	...	...	239	484	...	...	22	...
Guntoor...	156	2,729	4,017	1,118	359	514	1,637	81	3,709	...	...	...	217	272	...	...	12	25
Madura...	1,288	2,700	4,690	2,515	866	80	953	100	4,514	...	...	...	302	308	...	...	23	963
Mangalore...	1,990	1,502	1,568	450	83	180	571	15	1,299	...	...	...	176	176	...	...	3	1,532
Nellore...	66	1,604	1,888	839	591	27	176	2	1,635	...	...	...	222	269	...	...	24	...
Nundial...	284	...	...	...	...	...	...	...	...	...	...	...	253	253	...	...	22	44
Ootacamund...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tranquebar...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rajahmundry...	228	5,001	5,229	1,937	628	441	1,225	704	4,935	...	...	...	162	294	...	...	7	53
Salem...	869	4,097	4,966	1,907	497	70	2,224	170	4,868	...	...	...	93	98	...	...	13	505
Tanjore...	346	3,206	3,552	1,795	259	441	773	19	3,287	...	...	...	244	265	...	...	23	34
Tellicherry...	316	3,570	3,911	1,315	569	237	1,343	83	3,547	...	...	...	364	364	...	...	20	3
Tinnevely...	341	3,491	3,566	1,899	489	175	761	134	3,458	...	...	...	108	108	...	...	22	5
Trichinopoly...	75	3,401	3,566	1,899	489	175	761	134	3,458	...	...	...	231	231	...	...	2	...
Vizagapatam...	138	2,133	2,271	495	389	52	1,088	16	2,040	...	...	...	67	67	...	...	12	318
Agent Gajam...	416	3,278	3,694	1,490	507	515	932	183	3,627	...	...	...	234	234	...	...	15	...
Do. Vizagapatam...	126	5,274	5,400	2,179	456	1,053	1,315	163	5,166	...	...	...	...	...	...	...	17	...
Total...	20	234	254	177	30	7	39	1	254	...	...	...	60	69	...	...	8	769
1863.....	836	514	1,350	742	80	211	239	9	1,281	...	...	...	...	...	...	...	...	...
Increase...	9,435	64,145	73,580	31,009	9,062	5,885	18,782	2,606	68,224	377	200	768	3,991	5,336	...	...	8	4,835
Decrease...	10,407	18,028	28,435	8,458	1,933	1,763	5,520	1,326	19,000	4,835	796	1,129	2,675	9,435	...	...	...	...
	...	46,117	45,145	23,451	7,139	4,122	13,262	1,280	49,244	...	...	...	1,316	...	...	...	...	...
	972	...	...	...	...	...	...	...	...	4,458	596	361	...	4,049	...	...	...	...

Under Suits on the Moonsiffs' files in 1862, 9 months, 29 days; and in 1863, 10 months and 28 days.

Average duration of Regular Suits on the Moonsiffs' files in 1862, 9 months, 29 days; and in 1863, 10 months and 28 days.

HIGH COURT OF JUDICATURE,
MADRAS, 7th April 1865.

(Signed) P. P. HUTCHINS,
Registrar, Appellate Side.

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Judicial Department.
No. 1122.

To

The Secretary to the Government
of India.

Home Department.

Sir, *Amila*

With reference to the
despatch addressed to the
Govt of India by the R. H.
the Secretary of State under
date the 9th July 1863, direct-
ing that after the expira-
tion of a year from the
passing of the (Madras)
Act No ^{IV} III of 1864, a report
might be submitted to the
Supreme Govt. on the op-
eration of those provisions
by which the appeal is
taken away in all cases
cognizable by a Small
Cause Court when the
debt, damage or demand
does

An Act for investing certain
Courts in the Presidency of
Fort St. George either wholly
or in part with the juris-
diction exercised by Courts
of Small Causes established
under Act XI. II of 1860.

MD
W.D.H.

does not exceed fifty rupees, I am directed to submit for the consideration of H. E. the Viceroy and Governor General in Council the annexed copy of a letter from the Registrar of the High Court, forwarding a statement of the operations of the District Moonsiffs in this Presidency under the Law in question during the year 1861, and stating the opinion of the Judges as to the working of those provisions to which the Secretary of State more particularly refers.

2. It will be seen that out of 73,500 suits received on the files of the District Moonsiffs of this Presidency under the Act in question during the year, 68,211 were disposed

disposed of before its close and that the average duration on the file of the Court of the suits disposed of was two months and eight days. On reference to the Administration Report on the Judicial Department it appears that the average duration of ordinary suits before the same functionaries, of which the number disposed of was 64,156, was eight months and nine days. The same report shows that at the close of the year under review the arrears of business before those Tribunals were considerably lower than was the case at the close of any of the four years immediately preceding. The years 1861 & 1862 were exceptional years, but the

Suits pending before District Moonsiffs.

On the 31 st Dec. 1860-	58,471.
Do — 1861-	140,146
Do — 1862-	109,345
Do — 1863-	73,173.
Do — 1864-	47,062

the reduction of the arrears in 1864 as compared with 1863 amounting to 26,111 which must be in a great measure attributable to the more prompt disposal of the suits under the Small Cause Court procedure, is very satisfactory. It may be added that since the Act was passed 10 District Munsiff Courts have been abolished.

3. In regard to the operation of those provisions of the Act under which the decrees of the District Munsiffs in cases tried by them under the Act is final, the opinion of the Zillah Judges generally and of a majority of the Honble the Judges of the High Court is that the Act works well and has given general satisfaction. This opinion is

Aug 9. 1865

My dear Mr. Lushington

If you refer to the following order of Jm. you will find that 10 District Courts have been abolished since Act 18/63 came into operation.

Yours truly
H. Lushington

11 Nov. 63.	Rs 1757.
15 Dec —	1948
2 April 64.	650.
2 May —	620
22 June —	1819
19 Dec. —	1819
28 Jan 65 —	Rs.

Decorative

13

1850

Meeting of the Board
 and the 11th of 1864

Judicial 1865 & 1866

1867-1868

To the Secretary of the Court

of the Court

1869-1870

1871-1872

On the 11th of 1864
 the District Court of
 the District of Columbia
 ordered that the
 records of the Court
 be kept in the
 Court House
 and the records of
 the Court be kept
 in the Court House
 and the records of
 the Court be kept
 in the Court House

Dec. 10-11
 3. 9. 63

90.591.