

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	196	Press ~~Miss~~
Dated	6-2-	1986

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
6th February 1867.

Read the following:—

No. 31. Despatch from the Right Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor General of India in Council; dated India Office, London, 24th November 1866, No. 55.

The Despatch of your Excellency in Council, dated the 17th of September, No. 31 of 1866, on the question whether it is expedient that Courts of Small Causes in India should exercise jurisdiction in cases involving title to real property, has been laid before me in Council.

2. Your Excellency in Council states that the Small Cause Courts of the Presidency Towns, but not those of the Mofussil, try cases in which title to land is involved, and that you deem it undesirable to take away from the former Courts the power which they have so long exercised.

3. In this view, the Government of Bombay is stated to concur, while the Lieutenant-Governor of Bengal has expressed an opposite opinion.

4. The decision of Chief Justice Sir L. Peel, quoted in Mr. Boulnois' letter, appears to be decisive as to the law; and the question of whether the law should be altered, is one to which experience suggests the best answer. As no complaints have been preferred against the present system, and as there is every reason to believe that suitors are satisfied with it, it would be obviously impolitic to interfere with a procedure which secures for the decision of an important class of cases, rapidity, cheapness, and finality.

5. I would, however, at the same time, desire to record my opinion that, as the Act (IX of 1850) provides that one of the Judges of a Presidency Small Cause Court must be a Barrister, the trial of cases in which the title to land is involved should always be held by the Barrister Judge of the Court.

No. 291.

Copy forwarded to the Government of Fort Saint George, for information, and with a request that paragraph 5 may be communicated to the Small Cause Court at Madras.

By order,
HOME DEPARTMENT, FORT WILLIAM,
12th January 1867.

(Signed) A. P. HOWELL,
Under Secy. to the Govt. of India.

No. 32. ORDER THEREON, 6th February 1867, No. 196.

Communicated to the Judges of the Small Cause Court, and to the Honorable the Judges of the High Court.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Honorable the Judges of the High Court.

„ Judges of the Small Cause Court.

Ed. J. H. Burns.

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12

No 196. 6 February 1867.

Communicated to the
Judges of the Small Causes
Court, & to the Honble the
Judges of the High Court.

h/

To Honble Judge of the H. C. 37
To Judges of the Small Causes Court. J. B. 9/2

Richard Smith
Under Secy. to the Govt. of India.