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*Proceedings of the Madras Government, Judicial Department,
22nd August 1874.*

Read the (Civil and Criminal Justice) Administration Report of the High Court for 1873.

No. 161. ORDER THEREON, 22nd August 1874, No. 1567.

The following points appear to call for remark :—

1st. *The cost of the Establishments kept up in the various Courts, which are paid by the Process Service Fees levied on suitors.*—There are, it seems, 155 Courts :

Paragraph 6. each has on the average forty-one Peons and eight Amins for serving processes. The total cost per annum is Rupees 6,73,176. Including adjournments, each Peon or Amin would obtain about 7 Rupees a-month. The total staff, 7748 men, appears very numerous; but the system is new, and is no doubt being carefully controlled by the supervising authority.

2nd. *The inadequacy of the Salaries of the Ministerial Officers of the Courts.*—

Paragraph 9. The Governor in Council will take an early opportunity of renewing correspondence with the Government of India on this subject.

3rd. *Suits to the number of 881 were instituted in the High Court, Original Side.*—Information has been obtained

Paragraph 10. that nearly one-sixth of these belonged properly to the Small Cause Court, where such suits will no doubt hereafter be brought, under the operation of the new Scale of Fees adopted for the High Court, with the sanction of Government under date 18th July 1874, No. 1319.

4th. *Average duration of Suits.*—The High Court notice a decided improvement in this respect. Taking the returns for District Munsifs, it appears that the total of the ordinary (now Small Cause) suits for disposal was 89,267, viz., 32,888 remaining from the year 1872, and 56,379 filed in 1873. They disposed of 61,105, leaving 28,162 to be carried over to 1874. There being 113 Munsifs, each officer turned out 500 regular suits in the year of forty-six working weeks, less occasional holidays. This gives about eleven suits per week—and since they never have more than four days a week for this kind of work including Execution of Decrees—Mondays and Thursdays being expressly set aside for Small Causes—the result is decidedly good. Dividing, however, amongst 113 Munsifs the total number of suits undisposed of at the end of 1873, and taking the same rate of progress, it would appear that at the commencement of 1874 each Munsif was about twenty-two weeks behind his work, or a period of a little less than half a working twelvemonth. The High Court will be requested to state whether the interests of suitors do not require an increase to the number of Munsifs under these circumstances.

The total of Small Cause suits pending and filed before District Munsifs was 86,113; of which those Courts disposed of no less than 92.05 per cent.

5th. *Criminal Justice.*—Paragraph 16 purports to give the "amount of work coming before the Criminal Courts of each district in the Presidency," but the table appended gives only the number of persons convicted and who appealed from that conviction. It is requested that in future years, the number of persons brought before the several kinds of Courts may also be given.

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*Proceedings of the Madras Government, Judicial Department,
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6th. *The Jury system in the Madras.*—This, as contrasted with the system of Assessors, has been introduced, for certain classes of offences only, in six districts. Excluding nineteen persons who were discharged without trial or convicted on a plea of "guilty," 476 persons were tried, of whom 243 were acquitted. "The proportion of acquittals," the Report remarks "is convictions seems excessive." The Governor in Council however observes from the last part of paragraph 15 that 2433 persons were tried with Assessors, and from the table at paragraph 16 that only 1613 were convicted; leaving 1820 who were acquitted. The acquittals by Juries, therefore, are not disproportionate.

It should be stated in future Reports in how many cases and with what result a Sessions Court, disagreeing with the verdict of the Jury or of a majority of the Jurors, submits the record for the orders of the High Court.

(True Extract)

Acting Chief Secretary.

To the Honorable the Judges of the High Court.

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Paragraph 10.

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It should be stated in future Reports in how many cases and with what result a Sessions Court, disagreeing with the verdict of the Jury or of a majority of the Jurors, submits the record for the orders of the High Court.

Paragraphs 5 and 6, Section 263, Code of Criminal Procedure.

(True Extract.)

Acting Chief Secretary

To the Honorable the Judges of the High Court.

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ADMINISTRATION REPORT OF THE HIGH COURT FOR 1873 CIVIL JUSTICE.

1. In the High Court the Chief Justice was absent on furlough from 18th March to 22nd August. Mr. Justice Holloway acted as Chief Justice during his absence. Mr. Justice Innes was absent on privilege leave from 29th August to 30th November. No additional Puisne Judge was appointed. Changes in the Courts.

2. In consequence of the falling off of litigation in the Court of Small Causes at Tellicherry, that Court was, on the recommendation of the High Court, abolished on 31st March. On 1st January the Principal Sadr Amin of Cuddapah was re-transferred to that station from Bellary where he had been temporarily employed. On 15th March the Additional Principal Sadr Amin (Subordinate Judge) of Mangalore was transferred to Cuddalore. On 21st February the Additional Munsif of Cuddapah was transferred to Madras.

3. In the High Court the following practitioners were enrolled:— Practitioners of the High Court.

Advocates	6
Vakils	6
Attorneys	3

4. The chief event of the year under review was the introduction of the Madras Civil Courts' Act (III of 1873) which came into force on 1st March. Act III of 1873. The main object of this Act was to consolidate the law as it existed in several old Regulations and Acts and the only important alterations introduced were the abolition of any pecuniary limit to the jurisdiction of Subordinate Judges (late Principal Sadr Amins) and the extension of the pecuniary jurisdiction of District Munsifs from 1,000 Rupees to 2,500 Rupees (Section 12), the provision for an appeal to the High Court from the decrees and orders of Subordinate

Judges when the amount or value exceeds 5,000 Rupees (Section 13) and the mode of valuing suits* immovable property (Section 14). It is difficult at present to say what will be the permanent effect of these alterations as regards the number of suits that will still be tried by District Munsifs and whether their jurisdiction as regards suits for land has been really extended. Under the old Regulation, the annual produce determined the jurisdiction; whereas under the present Act, ten or five times the revenue payable to Government, according as the land is Zemindary or Ryotwary and fifteen times the nett profits in the case of Inam lands, determines the value. Under Section 28 of Act III of 1873 the Local Government invested all Subordinate Judges with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts up to the amount of 500 Rupees and all District Munsifs with the same jurisdiction up to the amount of 50 Rupees within their local jurisdictions as fixed by Section 10. In their order of 18th March 1873, the Government expressed themselves ready to withdraw or withhold Small Cause powers from any individual officer in whose case the High Court might deem it advisable.

5. By a Notification of Government dated 11th March 1873, the title of Civil and Sessions Judge which had been in use under Act VII of 1843 was altered to District and Sessions Judge to suit the requirements of Acts X of 1872 and III of 1873 and by a Notification of Government of 1st April the names of the Districts and Sessions Divisions (formerly called Zillahs) were altered so as to correspond with the names of the Collectorates or Revenue Divisions.

Process Ser-
vice Fees.

6. From the commencement of the official year (1st April), under instructions from the Government of India, fees for the service of processes were collected by stamps. The old system of collecting fees according to the mileage travelled and of paying the process-servers the amount actually earned by them was however continued until 16th August when the new rules under Sections 20 and 22 of Act VII of 1870 came into force. Under those Rules the process-servers of each Court were formed into salaried establishments, the higher class designated Amins receiving a salary of 14 and 12 Rupees a month each and the lower class designated Peons receiving a salary of 7 and 6 Rupees a month each. Fees were also for the first time levied for processes issued by the Criminal Courts in "non-cognizable" cases. Under the Schedules to the Rules there are fixed fees for each process issued but

the principle of holding the parties to each suit liable for the actual cost of serving the processes required has been maintained as far as possible. It is at present too early to form any opinion whether the receipts will be sufficient to cover the cost of the establishments and other miscellaneous charges. The cost of the establishments fixed by the District Judges for the Civil Courts amounts to nearly Rupees 7,00,000.* It has been decided by the Government that for the present all processes issued by Criminal Courts should continue to be served by the Police and that no separate establishments should be entertained.

7. The Statistical statements are in the same form as in the last few preceding years. The returns were received from the several Districts on the following dates:—

District.	When received.	District.	When received.
South Malabar	23rd February.	Coimbatore	19th March.
Nilgiri Hills (Comr.)	27th do.	Salem	20th do.
Tanjore (South)	2nd March	Ganjam (Agent)	23rd do.
Tinnevely.	4th do.	Godavery	28th do.
Kurnool	7th do.	Bellary	30th do.
Malabar (North)	7th do.	Cuddapah	30th do.
Tanjore (North)	7th do.	Madura	30th do.
Trichinopoly	7th do.	Vizagapatam (Agent)	30th do.
Arcot (South)	9th do.	Kistna	31st do.
Canara (South)	10th do.	Vizagapatam	31st do.
Nellor	11th do.	Ganjam	6th April.
Chingleput	13th do.	North Arcot	16th do.

The forms are now well understood and the returns being carefully prepared and checked by a reference to other periodical statements may be relied upon as accurate.

* At the time of writing, experience has shown that the rates charged are insufficient to meet all the expenses. A slightly enhanced scale of fees has been prepared and submitted for sanction.

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8. The following Statement shows the proportion in which each of the Districts contributed to the Civil work of the Presidency:—

DISTRICT.	Number of Original Suits instituted in Courts subordinate to the District Courts.	Number of Appeals preferred in the District Courts.	Number of Original Suits instituted in the District Courts.	Number of Regular Appeals preferred in the High Court.	Number of Special Appeals preferred in the High Court.
Arundel (North)	2,507	210	16	1	56
Arundel (South)	2,345	215	40	3	31
Bellary	3,313	225	2	2	31
Canara (South)	1,944	532	13	21	87
Chingleput	2,256	234	15	5	21
Coimbatore	2,229	222	5	4	41
Cuddalore	1,970	28	13	3	10
Cuddalore	1,792	90	4	7	12
Ganjam	67	53	9	6	35
Ganjam (Agent)	4,904	175	12	3	11
Godavery	3,313	45	6	2	6
Kottam	1,791	466	5	1	47
Kurnool	3,256	434	7	8	70
Madura	2,812	550	15	6	41
Malabar (North)	4,565	245	7	8	10
Malabar (South)	3,203	1	21	10	30
Nellore	57	250	5	9	62
Nellore Hills	3,021	307	21	8	74
Salim	2,707	537	9	8	132
Tanjore (North)	3,734	445	25	9	34
Tanjore (South)	3,423	103	35	7	30
Tinnevely	2,374	256	9		
Trichinopoly	3,138	1			
Viragapatam	255				
Viragapatam (Agent)			310	*131	874
Total	64,179	6,303			

A comparison with a similar Statement in the Administration Report of 1872 shows an almost inappreciable difference in the ratio of appeals from the Subordinate Courts to the District Courts, viz., 10.75 per cent as against 11 per cent.

There is an increase from 11½ to 13½ per cent in the ratio of Special Appeals to the High Court from Appeals to the District Courts.

The ratio of appeals in the High Court from decrees in Original Suits in the District Courts would appear to have risen from 26½ in 1872 to 40 per cent in 1873.

* Of these 7 were from decrees of Subordinate Judges in Suits exceeding Rs. 5,000 in value (Sec. 13, Act III of 1873).

9. In 1872 the nett receipts under the head of Court Fees in all the Civil Courts amounted to £1,86,800: and the charges during the same period are stated to have been 30,000. Receipts and Expenditure of the Civil Courts.

In 1873 the receipts amounted to £1,93,000.

In this connection attention was called last year to the inadequate salaries of the ministerial servants of the Civil Courts in this Presidency. The matter is now once more pressed on the attention of Government. The impolicy, to say nothing more, of paying inadequately officials placed in positions of great trust and responsibility is too obvious for discussion.

10. In the High Court, Original Side, 881 suits were instituted during the year. These figures show an increase of 114 suits on the institutions of 1872 and of 109 on those of 1871. The nature of the suits instituted appears from the following Statement:—

	Number of Suits.	Percentage.
On Contract	495	56.19
Relating to immoveable property	196	22.24
Inheritance	49	5.57
Other Suits	141	16.00
Total...	881	100.00

The total number of suits on the file for disposal was 1,422 as against 1,323 in 1872 and 1,186 in 1871. Of this number 725 suits were disposed of during the year. On the 31st December 1873, 702 suits were pending on the file as compared with 541 on the same date in 1872. These figures indicate that the work on the Original Side of the High Court has been increasing of late years.

In the valuation of the suits disposed of, almost the same proportion is observed as last year, viz.,

93 suits were valued above Rupees 5,000.
315 between 1,000 and 5,000 Rupees and
199 below 1,000 Rupees, the remainder being suits of which it was not possible to estimate the money value.

11. In the Courts subject to the High Court, 2,07,916 suits were disposed of as against 1,91,217 suits in 1872. These figures show an increase of 16,699 suits on those of the previous year. A reference to the detailed statement shows that this increase is in suits coming before Village Munsifs or in suits cognizable as Small Causes and not in the more important litigation of the country. There is indeed a decided, though perhaps temporary, falling off in 1873 in the number of Ordinary suits filed before the Civil Courts. The litigation instituted before all classes of Courts is analysed in the accompanying Statement:—

	Ordinary suits.	Per centage.	Small causes.	Per centage.	Total.	Per centage.
1. Village Munsifs	61,340	42.46	...	...	51,815	24.41
2. Revenue Courts	3,858	2.34	...	...	3,073	1.48
3. District Munsifs, &c.	89,267	42.98	79,263	38.12	1,35,630	65.24
4. Subordinate Judges	1,134	0.54	815	0.39	8,111	3.91
5. Small Cause Courts	340	0.16	10,641	5.12	8,999	4.37
6. District Courts, &c.	714	0.34	20	0.01	928	0.45
Total	1,11,344	100.00	98,612	100.00	2,07,916	100.00

The nature of the suits instituted appears in the following Table:—

	Number.	Percentage.
On Contract { On written promise	85,103	40.93
On Contract { On unwritten promise	46,836	22.53
On Contract { Other suits	25,125	12.56
For rent	7,921	3.82
For recovery of personal property	6,705	3.23
Relating to real property	27,017	12.99
Revenue suits	4,211	2.04
Other suits	3,989	1.91
Total	2,07,916	100.00-100.00

The proportion of suits on contract and of suits of all other classes varies slightly from that shewn in last year's Statements, viz., 76.02 and 23.98 per cent as against 77.11 and 22.89 per cent.

The total number of suits that came before the Courts for disposal was (excluding suits transferred from the file of one Court to another)

2,61,584. The number of suits actually disposed of was 2,13,529, being an increase of 6,340 on the number disposed of in 1872.

In the accompanying table the proportion is shewn between the number of suits for disposal and the number disposed of in the several classes of Courts.

	Suits for disposal, excluding transfers.		Suits disposed of.		Percentage of suits disposed of to suits for disposal.	
	Ordinary suits.	Small causes.	Ordinary suits.	Small causes.	Ordinary suits.	Small causes.
1. Village Munsifs	61,340	...	50,439	...	82.23	...
2. Revenue Courts	3,858	...	2,973	...	77.06	...
3. District Munsifs, &c.	89,267	86,113	81,105	79,263	68.45	92.05
4. Subordinate Judges	1,134	8,157	815	8,204	71.87	100.77
5. Small Cause Courts	340	10,641	299	9,962	87.94	93.52
6. District Courts, &c.	714	20	443	20	62.04	100.00
Total	1,66,653	1,04,931	1,16,074	97,455	...	...

The ratio between the suits for disposal and the suits disposed of does not vary sufficiently from that appearing in last year's report to call for special remark.

The value of the suits disposed of appears in the accompanying table. There is a slight increase as compared with 1872 in the proportion of suits valued at less than 500 Rupees.

	Number.	Percentage.
Below 100 Rupees	1,75,792	82.33
Between 100 Rupees and 500 Rupees	31,444	14.73
Between 500 Rupees and 1,000 Rupees	3,638	1.70
Between 1,000 Rupees and 10,000 Rupees	1,998	.94
Above 10,000 Rupees	110	.05
Not capable of valuation	547	.25
Total	2,13,529	100.00

The aggregate value of the suits disposed of in all the Courts including the High Court was £2,755,000 as against £2,500,000 in 1872.

* In addition to this number, 2,577 suits were received by transfer. This explains how the disposals † under this head slightly exceed the institutions.

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The following table shows the manner in which the suits were disposed of :—

	Number.	Percentage.	Number.	Percentage.
Uncontested.	Dismissed for default, withdrawn or compromised... Decreed for Plaintiff... Decreed for Defendant...	91,514 63.75 48,153 32.18 5,587 3.77	1,48,252	69.43
	Total...	148,252 100.00		
Contested.	Decreed for Plaintiff... Decreed for Defendant...	48,262 73.93 17,015 26.07	65,277	30.57
	Total	65,277 100.00		
	Total	2,13,529	100.00	

In comparison with last year there is an increase of 2.71 per cent. in the proportion of suits disposed of without contest, with of course a corresponding decrease in the number disposed of as contested.

The number of suits pending at the close of the year (omitting suits before Village Munsifs and Revenue suits) was 36,312, as against 40,330 pending at the end of 1872, being a decrease of 1,018. As regards the average duration of suits contested and uncontested of both classes (Ordinary and Small Cause Suits) there appears to be a decided improvement in the period mentioned in last year's report. viz.,—Contested 12 months: Uncontested 7 months: Small Causes 6 weeks.

High Court,
Appellate
Side.

12. In the High Court 131 Regular Appeals and 574 Special Appeals were filed during the year as compared with 145 Regular Appeals and 811 Special Appeals in 1872.

The total number of Appeals on the file of the Court for disposal was in Regular Appeals 150, in Special Appeals 1,095. Of these 123

Regular Appeals and 752 Special Appeals were disposed of in the manner indicated in the following table :—

	Regular.	Special.
Dismissed for default, withdrawn or compromised.	4	25
Uncontested.	5	139
	1	13
Contested....	72	499
	41	76
Total...	123	752

At the close of 1873, 57 Regular Appeals and 343 Special Appeals were pending*. On the 31st December 1872, the number pending was—Regular Appeals 49, Special Appeals 221.

The average duration of a Regular Appeal from the date of filing to the date of disposal was, as in 1872, four months, and of a Special Appeal, three months.

From a single Judge sitting on the Original Side of the Court 43 Appeals were preferred under Section 15 of the Letters Patent. To these must be added 4 Appeals pending at the beginning of the year. Of this number, 40 appeals were disposed of in the following manner :—

Confirmed	22
Reversed	14
Modified	3
Withdrawn	1
Total.	40

In Civil Miscellaneous work, the High Court disposed of

- 107 Appeals from the orders of the Subordinate Courts,
- 56 References under Act XI of 1865 and
- 2 References under Act IV of 1869.

13. In the Subordinate Courts the number of Appeals preferred was 6,506 as against 7,003 in 1872 and 5,981 in 1871.

The number on the files for disposal (excluding Appeals transferred) was 10,860, as compared with 11,990 in 1872 and the number actually disposed of amounted to 6,893.

* Of these only 33 Regular Appeals and 190 Special Appeals were actually ready for hearing on the 31st December 1873.

Subordinate
Courts, Ap-
pellate juris-
diction.

The accompanying statement shows the manner in which these 6,893 appeals were disposed of:—

	Number.	Percentage.
Dismissed for default, withdrawn, or compromised	717	10.40
Decree of Lower Court { Confirmed ...	3,894	55.19
Mod. Conf. ...	707	10.26
Reversed ...	1,665	24.15
Total...	6,893	100.00

There is a perceptible increase, viz., nearly 4 per cent as compared with last year in the proportion of cases in which the decrees of the lower Courts were upheld.

The proportion in which the several classes of appellate tribunals contributed to the disposal of appeals is shown in the following statement:—

	Number.	Percentage.
Subordinate Judges	2,475	35.91
Judges of Small Cause Courts as Subordinate Judges	522	7.57
District and Sessions Courts	3,896	56.52
Total...	6,893	100.00

The number of Appeals pending at the end of the year was 3,965 as against 4,364 at the end of 1872, being a decrease of 399; of the Appeals pending, only 497 were pending for upwards of a year. These figures contrast favorably with those of 1872 and preceding years and show that the improvement commented on in last year's report is being kept up.

Execution of Decrees.

14. The number of applications connected with the execution of decrees that came before the Courts during the year was 1,54,329 as against 1,18,923 in 1872.

Complete execution was obtained in the case of 63,464 decrees and partial execution in the case of 51,714 decrees.

CRIMINAL JUSTICE.

15. The offices of Clerk of the Crown and Crown Prosecutor which had hitherto been held by one officer on a consolidated salary of 1,000 Rupees *per mensem* were separated. From 1st June the salary of the Clerk of the Crown was fixed at 400 Rupees *per mensem* and 1,400 Rupees *per annum* allowed for his office. The office of Crown Prosecutor was abolished and the duties of that office assigned to the Advocate General with the assistance of a junior Counsel selected from the Bar.*

Changes in the High Court.

16. The amount of work coming before the Criminal Courts of each District in the Presidency is shown in the following Statement:—

Comparison of the Criminal work of each District.

DISTRICT.	Number of persons convicted by the Sub-Magistrate.	Number of persons who appealed to the District or Division Magistrate.	Number of persons convicted by the Division and District Magistrate.	Number of persons who appealed to the Sessions Courts.	Number of persons convicted by the Sessions Courts.	Number of persons who appealed to the High Court.
Arcoot (North) ...	3,690	406	530	74	78	36
Arcoot (South) ...	4,576	533	851	53	111	77
Bellary ...	5,475	621	1,958	215	169	82
Canara (South) ...	1,841	219	136	23	70	22
Chingleput ...	3,650	233	977	25	71	26
Cimbatore ...	4,415	326	229	17	69	8
Cuddapah ...	2,723	259	434	53	169	27
Ganjam ...	3,006	240	183	27	7	17
Ganjam (Agency) ...	357	1	31	2	17	...
Godavery ...	3,561	327	382	65	57	35
Kistna ...	4,516	304	282	44	51	23
Kurnool ...	2,606	213	443	28	27	11
Madura ...	5,352	926	404	66	61	19
Malabar (North) ...	1,708	272	204	18	92	21
Malabar (South) ...	4,496	427	173	60	83	24
Nellore ...	4,496	427	173	60	83	24
Nilgiri Hills (Comr.) ...	2,791	207	419	32	66	10
Salem ...	123	...	847	11	...	...
Tanjore (North) ...	4,543	375	238	24	81	19
Tanjore (South) ...	1,739	232	177	44	74	38
Tinnevely ...	4,461	303	261	79	35	38
Trichinopoly ...	4,843	1,225	506	122	147	78
Vizagapatam ...	4,051	347	659	46	35	33
Vizagapatam (Agency) ...	6,161	262	159	14	81	14
Total...	81,352	8,254	10,067	1,143	1,618	665

* At the time of writing, Government have seen fit to revert to the former system and the two appointments have been re-united, the incumbent receiving a monthly salary of Rupees 800.

A comparison with the similar Statement in the Administration Report of 1872 shows a very marked variation in the ratio of appeals to convictions, viz.,

	Per centage.	
	In 1872.	In 1873.
From Sub-Magistrates to the Superior Magistracy	10	10
From the Superior Magistracy to the Sessions Courts	13	14
From the Sessions Courts to the High Court	39	41

High Court, Appellate Jurisdiction.
17. In the High Court 739 appeals from persons convicted by Sessions Courts as compared with 696 in 1872 were on the files for disposal. Of this number, 691 appeals were disposed of with the following result:—

Appeals rejected...	601						
On perusal of records...	<table> <tr> <td>Sentence confirmed...</td><td>113</td></tr> <tr> <td>" modified...</td><td>42</td></tr> <tr> <td>" reversed...</td><td>33</td></tr> </table>	Sentence confirmed...	113	" modified...	42	" reversed...	33
Sentence confirmed...	113						
" modified...	42						
" reversed...	33						
Total...	691						

As a Court of reference and revision the High Court disposed of—

(1) References for confirmation of sentences of death passed on 91 persons with the following result:—

	No. of persons.
Sentence confirmed	77*
Sentence reversed	7
Sentence commuted to transportation for life...	7
Total...	91

(2) References under Section 206 of the Code of Criminal Procedure affecting 467 persons with the following result:—

Conviction or order of Lower Court quashed...	270
Sentence or order modified	29
Interference declined	168
Total...	467

* In 2 of these cases Government subsequently commuted the sentences to transportation for life.

(3) Applications under Sections 294 and 297 of the Code of Criminal Procedure from 118 persons. In the case of 7 persons only did the High Court interfere.

In the Courts subordinate to the High Court, appeals were preferred by 9,407 persons as compared with 9,488 in 1872. Appeals from 9,824 persons were on the files for disposal. Of these 9,371 were disposed of with the following result:—

	Number.	Percentage.
Appeals rejected	1,842	19.66
On perusal of records.	4,118	43.94
{ Sentence confirmed	772	8.24
{ " modified	2,365	25.21
{ " reversed	274	2.92
Otherwise disposed of		
Total...	9,371	100.00

18. In the High Court 41 persons were tried by Jury, convictions resulted in the case of 31. 10 were acquitted.

Use of Jurors and Assessors.

In the Mofussil: in the six Districts where the Jury system has been partially introduced (North Arcot, Cuddapah, Godavery, North and South Tanjore and Vizagapatam) 497 persons were brought to trial before Juries. Of these 235 were convicted, 243 were acquitted and 19 were discharged or convicted on a plea of guilty. The proportion of acquittals to convictions seems excessive.

In trials before the Sessions Court with the aid of Assessors, the Judge agreed with the Assessors in the case of 2,073 persons and differed from them in the case of 365 persons. In the case of 73 persons only, the Judge agreed with one Assessor only.

19. The reports of the working of the Whipping Act continue to be satisfactory.

Whipping Act.

HIGH COURT OF JUDICATURE,
MADRAS, 1st June 1874.

T. WEIR,
Acting Registrar,
Appellate Side.

Statement showing the various Judicial Tribunals, Original and Appellate,

Class of Tribunal, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals stating number of Judges in each, and Jury or Assessors if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.
1	2	3	4	5	6	7	8
1. Village Officers (exercising Civil and Criminal powers.)	53,162	21	575	14	One Judge.	12 hours' imprisonment or 6 hours' stocks in petty assaults, thefts, &c., final jurisdiction in Civil Suits, the value of which does not exceed 10 Rs., or on agreement of the parties in Suits not exceeding Rs. 100.	Hereditary
2. Taluk Magistrates (exercising Criminal powers.)	155	892	1,04,800	155	One Judge.	Powers of 2nd or 3rd Class Magistrate under the Code of Criminal Procedure.	Special Test Examination in the Evidence Act, Penal and Criminal Procedure Codes and Rules of Practice
3. Other Local Magistrates.	331	4172	20,100	331	do.		Special Test in Revenue Acts, Circular Orders of the Board of Revenue, Taluk and Village Account System and Rules of the Stamp Department
4. Cantonment Judges (exercising the powers of a Small Cause Court and Criminal powers.)	5	...	...	5	do.	Powers of a Magistrate of 1st Class under the Code of Criminal Procedure and of a Justice of the Peace and Small Cause jurisdiction in Suits not exceeding Rs. 500.	Special Test Examination in the Evidence Act, Penal and Criminal Procedure Codes, and in Special and Local Acts relating to jurisdiction

i. e., The number of Heads of Villages.
 i. e., The number who actually exercised jurisdiction.
 One-fifth of the cost of the Revenue Establishment is debited to Law and Justice.

CIVIL.

existing in the Presidency of Madras on the 31st December 1873.

existing in the Presidency of Madras on the 31st Dec. 1881.														
TOTAL NUMBER OF JUDGES.			AVERAGE ANNUAL SALARY OF EACH PAID JUDGE.			Average annual cost of Establishment of each Tribunal.	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates or Pleaders attached to each Tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR.				
European and East Indian.		Native.	European and East Indian.	Native.	Criminal.					Civil.	Revenue.	Criminal Appeal.	Civil Appeal.	
Covenanted.	Commissioned Military Officers.													Uncovenanted.
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
...	...	...	31,376	—	Grants in land and fees in kind.	...	Revenue Executive.	...	...	23,543	50,439	...	...	...
...	...	10	145	2,200	2,200	900	Revenue Executive.	...	...	...	...	...	...	...
...	...	6	325	500	800	120		...	...	...	...	...	...	...
...	...	5	...	8,400	...	1,392	None.	238	...	3,475	1,322	...	1	...
into cases triable by the Sessions Courts.														
and Gudalur in the South Malabar District.														

() Including Preliminary Enquiries into cases triable by the Sessions Courts.
 () Civil work performed by the Sub-Magistrates of Anjengo, Vythri and Gudalur in the South Malabar District, by the Sub-Magistrate of the Pulney Hills and by the Sub-Magistrates under the Agencies of Ganjam and Vizagapatam.

Statement showing the various Judicial Tribunals, Original and Appellate,

Class of Tribunal, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunal's stating number of Judges in each, and duty or Assessors if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.
1	2	3	4	5	6	7	8
5. District Munsifs (exercising Civil powers).	111	1,263	2,77,655	111	One Judge.	Original Suits up to Rs. 2,500 and Small Cause Suits up to Rs. 50 (Act III of 1873).	Special Test Examination in the Evidence Act, Codes of Civil and Criminal Procedure, Rules of Practice (Civil and Criminal) Law of Contracts and of Torts, Equity and the Hindu and Mahomedan Law.
6. Assistant and Deputy Collectors and Magistrates (exercising Criminal and Revenue powers) having no independent local jurisdiction.	53	...	...	23	do.	Powers of Magistrate of 1st or 2nd Class.	Assistant Collectors and Magistrates, Covenanted Civil Service Examination, Deputy Collectors and Magistrates, Special Test Examination in Law and Revenue, and Sub Magistrates.
7. Assistant Agents and Commissioners (exercising Civil, Criminal and Revenue powers).	3	4,002	...	3	do.	Powers of Magistrate of 1st Class and Justice of the Peace, Civil Jurisdiction in cases referred (Act XXIV of 1832 and Madras Act I of 1868).	Covenanted Officers.
8. Divisional Officers (exercising Criminal and Revenue powers).	54	2,551	5,70,804	54	do.	Powers of a Magistrate of 1st Class and Justice of the Peace—Powers of a Collector in Revenue Suits.	Covenanted and Uncovenanted Officers.
9. Police Magistrates (Presidency Town).	2	13	1,08,776	4	One Magistrate single or two together.	Powers of a Justice of the Peace and Magisterial powers under Madras Act VIII. of 1867.	None.

CIVIL.

existing in the Presidency of Madras on the 31st December 1873.—(Continued).

existing in the Presidency of Madras on the 31st Dec 1882

TOTAL NUMBER OF JUDGES.				AVERAGE ANNUAL SALARY OF EACH PAID JUDGE.		Average annual cost of Establishment of each Tribunal.	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates or Pleaders attached to each Tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR.				
European and East Indian.		Native.	European and East Indian.	Native.	Criminal.					Civil.	Revenue.	Criminal Appeal.	Civil Appeal.	
Covenanted.	Commissioned Military Officers.					Uncovenanted.	12	13	14					15
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
...	...	16	95	2,600	2,600	1,400	None.	252	15	...	1,39,483	...	...	...
22	...	5	24	4,500	4,800	...	Revenue Executive.	283	...	...	...	...	...	...
3	...	...	...	10,000	10,000	(/) 580	Revenue Executive.	283	...	(/) 12,355	261	...	2,683	1
36	...	3	15	8,500	8,500	(/) 580	Revenue Executive.	283	...	...	...	...	...	...
...	1	2	1	11,100	11,100	8,100	None.	274	8 Law Agents and all Advocates, Attorneys & Vakeels of the High Court.	14,406	...	...	...	...

Establishment is debited to Law and Justice.
by the Sessions Courts.

(/) i. e., One-fifth of the Revenue Establishment is debited to Law and Justice.
 (x) Including Preliminary Enquires in cases triable by the Sessions Courts.

Statement showing the various Judicial Tribunals, Original and Appellate.

Class of Tribunal, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments.	Number of Judges.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Composition of Tribunals consisting of number of Judges in each and Jury or Assessors if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.
1	2	3	4	5	6	7	8
10. Small Cause Courts (exercising also the powers of a Sub-Judge).	6	5,334	1,507,905	6	One Judge.	Small Causes not exceeding in value Rs. 2,000. Original Suits but. Appellate jurisdiction in appeals referred for disposal.	Covenanted Officers and Uncovenanted. No special qualification for the latter.
11. Small Cause Courts (Presidency Towns).	1	57	3,77,553	3		Small Cause Suits not exceeding in value Rs. 1,000. Suits exceeding Rs. 1,000 with consent of the parties (Acts IX of 1850 and XXVI of 1864).	The first Judge must be a Barrister.
12. Subordinate Judges (exercising also the powers of Small Cause Courts).	13	4,534	1,260,006	12	One Judge.	Original Suits exceeding Rs. 2,000. Appellate jurisdiction in appeals referred.	Special Test Examination in Law. District Munsif.
13. District Collectors and Magistrates (exercising Criminal and Revenue powers).	14	6,160	1,600,227	15	do.	Powers of District Magistrate and Justice of the Peace. Judicial powers under Special Revenue Acts, Regulations XII of 1818, IX of 1822, VI of 1831 and Madras Act VIII of 1865.	Covenanted Officers.
14. Agents and Commissioners (exercising Civil, Criminal and Revenue powers).	3	9,138	1,262,920	3	One Judge with Assessors in Criminal cases.	Powers of a Collector in Revenue matters. Powers of a District Judge.	Covenanted Officers.
15. District and Sessions Courts (exercising Civil and Criminal powers).	21	6,585	1,407,782	21	Do. Also six Districts with juries in certain cases.	Civil Suits exceeding Rs. 2,500. Appellate jurisdiction from District Courts and Subordinate Judges where the value is less than 5,000 Rs.	Covenanted Officers.
Total ..	747			751			

CIVIL.

existing in the Presidency of Madras on the 31st December 1873.—(Continued).

TOTAL NUMBER OF JUDGES.				AVERAGE ANNUAL SALARY OF EACH PAID JUDGE.		Average annual cost of Establishment of each Tribunal.	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates or Pleaders attached to each Tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR.				
European and East Indian.		Native.		European and East Indian.	Native.					Criminal.	Civil.	Revenue.	Criminal Appeal.	Civil Appeal.
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
4	...	2	...	15,000	...	5,000	None.	236	10	8	8,929	...	...	522
...	...	3	1	15,300	15,300	81,500	do.	261	...	...	...	...	...	...
...	...	2	10	6,000	6,000	6,402	do.	236	11	36	9,035	...	7	2,474
18	...	...	...	28,000	...	...	Chief Executive Officer of the District.	238	...	898	...	2,973	429	...
3	...	...	...	28,000	...	4,687								
21	...	...	...	25,000	...	7,721	None.	236	25	1,534	463	...	723	3,856
81	6	40	582							1,46,089	1,60,117	2,973	2,843	5,893

i. e., One-fifth of the Revenue Establishment is debited to Law and Justice.
 (1) The Judge of the Masulipatam Small Cause Court exercises the powers of a Magistrate.
 This includes Revenue Suits decided by Divisional Officers.

Statement showing the various Judicial Tribunals, Original and Appellate.

Class of Tribunal, distinguishing those which exercise powers in one department from those exercising powers in two or three departments.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Composition of Tribunals stating number of Judges in each, and Jury or Assessors if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualifications of Judges previous to appointment.
1	2	3	4	5	6	7	8
16. High Court.	(Original Side)...	...	27	3,97,552	...	One Judge.	Ordinary original jurisdiction in all matters within the Presidency Town.
	(Appellate Side.)	...	...	...	...	Two Judges.	Appeals from Division Courts (High Court). Regular appellate jurisdiction from decrees and sentences and orders of District and Sessions Courts. Special appellate jurisdiction from decrees, &c. and orders of Lower Appellate Courts. General powers of revision.
			1,34,271	20,223,412	...	...	According to Letters Patent

CIVIL.

existing in the Presidency of Madras on the 31st December 1873.—(Concluded).

TOTAL NUMBER OF JUDGES.				AVERAGE ANNUAL SALARY OF EACH PAID JUDGE.			Average annual cost of Establishment of each Tribunal.	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates or Pleaders attached to each Tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR.				
Covenanted, European and East Indian.	Commissioned Military Officers.	Uncovenanted.	Native.	European and East Indian.	Native.	Criminal.					Civil.	Revenue.	Criminal Appeal.	Civil Appeal.	
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
...	...	...	...	...	...	75,000	...	...	...	...	...	...	...	...	
3	...	2	...	43,000	...	90,000	None.	243	87	58	725	...	412	915	

Not including the pay of menial servants.

II.—(CHILL.)
Statement showing the number and nature of Civil Suits instituted in the several Sessions of Courts in the Presidency of Madras in the year 1873.

Statement showing the number and nature of Civil Suits instituted in the several Courts of Courts in the Territory of Missouri in the year 1873.

[illegible]

Suits to compel or prevent particular acts by way of mandamus or injunction	112	3	2	117	...	...	...	...	...
Suits to settle partnership and other accounts	77	2	8	92	...	...	...	...	...
Suits to settle partnership and other accounts	1	1	...	12	...	...	...	...	...
Admiralty and other suits relating to shipping	18	...	...	18	...	...	...	...	...
Suits connected with religion and caste	...	...	...	...	...	...	...	...	...
Suits relating to administration of trusts and religious endow- ments	56	3	...	66	...	...	...	...	...
Suits relating to marriage, dower and divorce	127	5	...	138	...	...	...	...	...
Suits to establish or dispute adoption	17	...	...	14	...	...	...	...	...
Suits regarding custody and guardianship of infants and lunatics	17	...	...	17	...	...	...	...	...
Other suits to declare or establish personal rights	532	7	7	544	...	...	...	...	...
Suits to establish or contest Wills	31	1	2	37	...	...	...	...	...
Under Hindu Law	529	19	2	574	...	...	...	...	...
do. Mahomedan Law	105	7	1	118	...	...	...	...	...
Claims to inheritance	12	...	...	12	...	...	...	...	...
do. any other Law	73	1	1	75	...	...	...	...	...
Suits to establish or contest the acts of Hindu widows	275	7	...	283	...	...	...	...	...
Suits relating to the revenue	13,624	120	84	13,828	...	...	...	...	...
Suits relating to mortgage of immovable property	114	...	...	114	...	...	...	...	...
Suits relating to right of pre-emption	29	...	...	29	...	...	...	...	...
Suits to resume or assess rent-free lands	...	...	...	...	...	...	...	...	...
Suits regarding the relative rights of superior and inferior holders of land (other than Rent Suits)	562	...	6	568	...	...	...	...	...
Suits for partition of immovable property	1,184	17	8	1,209	...	...	...	...	...
Suits regarding boundaries	154	2	...	156	...	...	...	...	...
Suits for, or relating to, real property not included in the above	10,861	105	12	11,078	...	...	...	...	...
REVENUE COURT CASES.									
Claims connected with boundary and cultivation disputes (Regulation XII of 1816, Section 4)	1	10	...	11	...	...	...	...	...
Claims to hereditary offices or their enrolments (Regulation VI of 1931, Section 3)	742	2	...	744	...	...	...	...	...
Suits to establish or contest right to enhancement or abate- ment of rent, or to determine amount of rent (Madras Act VIII of 1865, Sections 8, 9, 10 and 11)	1,449	8	...	1,457	...	...	...	...	...
Suits relating to ejectment (Section 12)	82	...	...	82	...	...	...	...	...
Suits regarding illegal exaction, distraint, &c. (Sections 5, 17, 20, 35, 36, 49 and 80)	799	...	...	799	...	...	...	...	...
Total	50,515	3,073	502	54,090	18,96,612	9,684	7,639	79,271	18,96,612

III.—(CIVIL.)

Statement showing the value of Suits disposed of in the Civil and Revenue Courts in the Presidency of Madras in the year 1873.

NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.															
VALU.	ORDINARY SUITS.							SMALL CAUSES.							High Court.
	ORDINARY SUITS.							SMALL CAUSES.							
	Village Munsifs.	Revenue Courts.	District Munsifs, Assistant and Commissioner.	Subordinate Judges.	Judges of Small Cause Courts as Subordinate.	Small Judges, Assistant and Judicial Commissioner.	Total number of Suits.	Total value in Rupees.	District Munsifs, Assistant and Commissioner.	Subordinate Judges.	Judges of Small Cause Courts.	District Judges, Assistant and Commissioner.	Total number of Suits.	Total value in Rupees.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Not exceeding Rupees ... 5	21,124	604	740	5	3	1	26,671	77,429	4,787	6	431	...	6,236	19,4	...
" " " " 100	21,947	674	6,113	34	1	3	30,717	2,92,993	31,429	70	915	...	32,419	4,26,522	...
" " " " 500	317	953	24,892	64	1	15	30,194	13,07,416	42,948	3,362	4,237	12	30,068	19,32,238	...
" " " " 1,000	...	271	21,800	31	2	22	22,224	96,45,512	49	4,782	4,356	8	9,19,522	44,826	...
" " " " 5,000	...	...	8,572	364	243	1,804	3,43,114	...	...	...	...	...	...	...	...
" " " " 10,000	...	...	...	54	38	46	8,43,103	...	...	...	...	...	...	...	...
" " " " 1,00,000	...	...	...	12	...	104	27,51,839	...	...	...	...	...	...	...	...
Exceeding " " 1,00,000	...	...	...	...	...	...	63,72,984	...	...	...	...	...	...	...	...
Suits in which it is not possible to estimate the money value ...	40	344	14	13	...	...	...	...	...	...	...	...	...	...	...
Total ...	80,832	2,973	31,160	616	274	443	1,16,974	23,27,304	79,263	6,220	9,932	26	97,456	16,27,671	724

IV.—(CIVIL.)

Statement showing the general result of the trial of Civil and Revenue Suits in the Courts of Original Jurisdiction in the Presidency of Madras in the year 1873.

UNCONTENDED.										CONTESTED.		TOTAL.		PENDING.				Averaged during 4 Suits.					
Suits remaining from 1973.		Filed in 1973. (including suits remanded and re-admitted.)	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed ex parte.		Judgment for Plaintiff in whole or part.	Judgment for Defendant.	Disposed of.	Failing.	Over two months.	Over four months.	Over twelve months.	Contested.	Uncontested.	Incurred in arbitration.	
											For plaintiff.	For defendant.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Village Courts.	10,450	50,960	5	61,242	18	22	7,516	2,812	10,933	9,063	9,333	326	9,160	1,246	50,479	10,445	8,460	2,413	96	73	73	...	...
Revenue Courts.	...	3,049	167	4,018	117	167	281	315	210	41	80	64	1,226	757	2,973	95	800	810	70	113	21	...	...
District Munsifs, Assistant and Commissioner.	31,607	57,960	434	62,713	6,785	434	9,221	1,701	14,007	71,959	13,137	1,863	16,354	7,462	61,005	16,828	7,899	2,961	510	991	136	...	...
Small Cause Courts.	...	79,874	251	80,307	66	287	4,863	1,672	17,516	7,911	15,904	5,361	17,257	6,026	72,463	7,213	8,000	332	96	68	14	...	...
As Smb. Courts.	137	213	13	345	4	19	8	1	43	95	83	...	...	...	...	...	...	...	...	...	...	...	
Small Causes.	1,150	9,491	41	10,511	33	639	639	9	9,934	1,730	2,460	...	13	1,544	493	2,562	643	160	10	359	133	...	...
Subordinate Judges.	563	7,940	179	8,113	103	37	85	33	116	33	100	...	1	33	160	242	364	95	6	913	139	...	...
Small Causes.	257	7,940	97	8,037	233	10	817	90	1,784	733	953	61	1,756	713	8,294	3,209	622	543	...	...	...	...	
Ordinary.	384	8,344	156	8,500	230	7	13	1	88	20	41	...	1	160	168	414	327	64	...	...	...	...	
Small Causes.	2	16	20	30	...	...	...	...	4	...	...	...	13	1	20	...	...	...	...	...	...	...	
Total	51,610	2,09,965	6,819	2,49,403	6,719	987	16,383	6,021	17,215	23,932	44,158	6,361	30,261	17,011	2,13,226	16,123	13,361	4,007	...	...	...	...	
High Court (Original Side).	547	881	...	1,492	...	...	27	138	5	...	149	...	307	89	754	697	...	...	...	...	...	...	

Y.-(2111)-1

Student showing the business of the Appellate Court in the *Proceedings of May 1894* in the year 1893.

CLASS OF COURTS.	Remainder from 1872.				Instituted in 1873 (including Appeals remanded and re-admitted).	Received by transfer.	Total for deposits.	Disbursements.														Total deposited etc.	Receipts.				
	1	2	3	4				5	6	7	8	9	10	11	12	13	14	Reversed.	Not allowed.	Per bag.	Over four months.		Over twelve months.	Per day.			
Subordinate Judges	951	114	2311	3,421	41	115	42	45	14	31	1,256	274	62	2,077	145	410	92	143	55	15							
Judges of Small Cause Courts and Subordinate Judges	174	44	433	651	...	54	20	7	2	1	217	49	12	222	174	122	7	31	3	3							
District Judges, Agents and Judicial Commissioners	257	267	...	664	...	8	41	25	15	...	274	50	40	482	136	55	23	9	...	...							
	2,317	5,946	3	8,561	2,773	177	166	77	16	44	1,847	299	78	3,398	2,099	653	315	231	47	24							
Total	4,354	6,704	2,810	13,672	2,815	405	312	159	44	82	3,417	653	1,592	6,503	3,855	1,655	437	395	107	40							
Regular Appeals	94	13	...	107	...	1	3	5	1	...	72	24	21	123	87	22	7	14	0	2							
Special Appeals	221	24	...	1,095	...	11	14	139	2	10	680	59	41	762	243	61	7	23	24	4							
Appeals from Original Side.	4	43	...	47	...	...	1	2	...	2	26	3	1	40	7	3	...	4	2	...							

VI.—(CIVIL).—1A

Statement showing the number of Suits, Original and Appeal, pending in the Presidency of Madras, classified according to the years in which they were instituted.

COURTS.	YEARS IN WHICH INSTITUTED.												Total.	
	Previous to or in 1868.		In 1869.		In 1870.		In 1871.		In 1872.		In 1873.			
	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
District Munsifs, Assistant Agents and Assistant Commissioner ...	38	...	...	...	201	...	278	...	2,209	...	23,016	...	25,823	...
Judges of Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Judges ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
District Judges, Agents and Judicial Commissioner ...	3	...	...	...	...	...	...	...	...	...	...	...	...	...
Total...	41	...	85	6	212	13	302	56	2,329	410	33,348	3,461	39,312	3,906
High Court ...	59	...	34	...	61	1	89	2	109	11	334	363	702	407

VII.—(CIVIL).
Statement showing the execution of Decrees in the Civil and Revenue Courts in the Presidency of Madras in the year 1873.

CLASS OF COURTS.	APPLICATIONS TO EXECUTE DECREES.				RECORDS.		SALES AND NUMBER OF CROPS PRODUCE.											
	Pending from 1872.	Filed in 1873.	Discovered by transfer.	Total for disposal.	Completely executed.	Partially executed.	Particulars at the end of 1873.											
							Enfranchisement of Prop.	Immovable Property.	Movable Property.	Enfranchisement of Prop.	Immovable Property.	Movable Property.	Enfranchisement of Prop.	Immovable Property.	Movable Property.	Enfranchisement of Prop.	Immovable Property.	Movable Property.
1	2	3	4	5	6	7	8	9	10	11	12	13	14					
District Magistrate, Assistant Agents & Assistant Commissioners.	12,251	61,205	2,401	70,612	21,448	20,000	11,721	10,215	8,838	2,867	12,500	11,557	316					
Judges of Small Cause Courts.	6,961	52,973	373	59,912	22,180	20,000	6,200	11,197	10,800	2,708	2,320	1,250	67					
Subordinate Judges.	102	813	3	915	367	243	112	15	90	39	33	22	14					
Small Causes, Ordinary.	635	9,276	14	9,925	5,265	3,000	478	946	1,450	616	748	432	6					
Small Causes, Ordinary.	457	1,199	76	2,732	1,104	628	450	570	535	95	748	432	6					
District Judges, Agents and Judicial Commissioners.	164	3,500	9	3,773	1,727	450	500	1,072	610	202	156	89	10					
Small Causes, Ordinary.	380	1,000	50	1,430	715	110	350	251	215	156	720	394	10					
Revenue Courts.	9	28	...	37	601	...	60	30	25	4	61	3	...					
Total	20,066	1,31,231	3,008	1,54,305	51,464	51,711	19,970	24,732	22,421	4,222	23,307	13,924	410					

VIII.—(CRIMINAL).
Statement showing the result of Appeal in Criminal Cases in the Presidency of Madras in the year 1873.

Statement of the

Presidency of Madras in the year 1873.

COURTS.	NUMBER OF PERSONS.										PENDING.	
	Appeals remaining from 1872.	Filed in 1873.	Total for disposal.	Appeals rejected under Section 417.	After perusal of records.			Otherwise disposed of, by transfer, death, &c.	Total of Columns 5 to 9.	Further enquiry or evidence ordered.	Cases.	Persons.
					Sentences confirmed.	Sentences modified.	Sentences reversed.					
1	2	3	4	5	6	7	8	9	10	11	12	13
Divisional Magistrates.	314	7,235	7,549	1,341	3,252	607	1,871	123	7,194	194	114	355
District Magistrates ...	70	1,029	1,099	79	506	59	251	144	1,039	104	36	61
Sessions Courts...	33	1,143	1,176	422	360	107	243	7	1,139	17	23	37
Total...	417	9,407	9,824	1,842	4,118	772	2,365	274	9,371	315	178	453
High Court (Appellate side)...	74	665	739	501	118	42	33	...	694	3	33	45

IX.—(CRIMINAL).
Statement showing the use of Juries and Assessors in the Criminal Courts in the Presidency of Madras in the year 1873.

COURTS.														
Session Courts. High Court (Jury)	{ 2 5 12	{ Asses- sors. Jury. }	Established or average number of Juries or Assessors in any one Trial.	REMAINING AND COMMITTED FOR TRIAL.		NUMBER OF PERSONS IN JURY TRIALS.			NUMBER OF PERSONS IN ASSESSORS' TRIALS.				PENDING.	
				Cases.	Persons.	Discharged without trial or convicted on plea of guilty.	After trial.		Discharged without trial or convicted on plea of guilty.	After trial.			Cases.	Persons.
							Convicted.	Acquitted.		Convicted or acquitted, the Judge agreeing with the Assessors.	Convicted or acquitted, the Judge differing from the Assessors.	Convicted or acquitted, the Judge agreeing with one Assessor only.		
1	2	3	4	5	6	7	8	9	10	11	12	13		
1,539	3,247	19	235	243	211	2,073	365	73	7	26				
53	46	5	31	10	...	...	...	...	...	...				

... of these one escaped and another died.

* Of these one escaped and another died.

1845

Small Pressed Aug 1/40
L. 164

1251
Procedural (1874/2) *Procedural*
No 1532

HIGH COURT OF JUDICATURE
MADRAS.

OFFICIAL MEMORANDUM.

Dated 20th October, 1874.
Received 21st 1874.

No 2554.

The *Reg.* Registrar of the High Court
has the honor to re-
quest that the Under
Secretary to Government
will be good enough
to state whether the
Proceedings of Govern-
ment, Judicial and
Department, dated
22nd August 1874, No.
1567, are correctly
printed in prospect.

Reg. No 306
The Reg. Secy's Memo No 1532 of 20 Oct 1874 -

The undersigned has the honor to state, in reply,
that he figures that he has

2. A correct draft, the undersigned for the
provisional will be furnished.

3. There have been comments in the
local & some other papers.

To the Reg. Secy C. C. C. Secy

W. N. N. N.

W. N. N. N. 1/14

of the following words
and figures:
Words - Five small
Letters - one line 3.
Figures - Leaving
1200 also unrepeated
from 12 line 9.

[Signature]
Deputy Registrar
of Probate & Administration

To The Under Secretary
to Government

1874.

Statement of Warrants and Summons in Grave & Petty Cases issued by Magistrates & Clerks during the last 5 years.

Years	Warrants ori- ginally issued on neglect of		Warrants issued on neglect of		Summons		Total		Proportion to Population
	No of Cases	No of Persons	No of Cases	No of Persons	No of Cases	No of Persons	No of Cases	No of Persons	
1871	20281	20545	20545	20545	18707	18707	39252	39252	69
1872	19851	19851	19851	19851	18707	18707	38558	38558	69
1873	20118	20309	20309	20309	18707	18707	38826	38826	69
1874	21150	21465	21465	21465	18707	18707	39867	39867	69
1875	21150	21465	21465	21465	18707	18707	39867	39867	69

N.B. - Persons against whom warrants have been issued
on neglect of Summons are not included in
total number of Persons.

[Signature]
1875

Handwritten notes on the left margin, possibly a date or reference.

the average of 50 Bailliffs
the court is being set up
of a dozen & a half
in many cases - the actual
number of Bailliffs & clerks
is uncertain - the court will
be in the hands of the court

Singapore Agency
"East" year, here
was but one officer
of property, committed
the agents Court. The Judge do
the Judge do
his duty? and can of his duty
it not clear that the Judge
regulate duty not necessary
I had be inclined to act
as frequently of the Judge does his duty.

21/7/23/7

7 Judicial Report

Administration Report

Submitted by the High Court - 23/7

Civil Justice

The circulating from Mr. Robinson's
letter, I am to submit the following
Remarks.

(A) The cost of the Establishments kept up
in the various Courts, which are paid by the
Raffles Service Fees based on Suits.

It is obvious that it is enormous, &
asks for details.

These have increased. There are 150 Courts;
each has on the average 41 rooms for sitting
processes and 8 Amins (a superior class
of Bailliffs). The total cost is Rs 6,731,76.

Each room of Bailliff will earn about 7 Rs a
month, including the adjustment since,
or course a little more including that.
The total staff consists of 7768 men.

Now, deducting Village Munniffs, who are
not within the scope of the Raffles Service
Fees system, 163,529 suits were disposed
of.

Making allowance for defendants, who
are not included in the establishment
As I have already pointed out - in the report
about the late miscarriage of the Judge's
at Madras - the Judge's country is no longer

bound to act on the Judge's verdict. If he
differs from him on the majority of them, he
should be Record down to the High Court for their
orders & they dispose of the case as they think
proper, without any reference to the Judge's opinion.

So that really here is nothing to fear from a Judge's
as frequently of the Judge does his duty.

S. S. S. July 11/6

Not for appearing from the
Pring. M.L.

of these explanations

do not appear sufficient -

But add that on the ground of the recent
introduction of the Pring Service system, there
seems reason for refraining from stirring in
the matter.

3). The inadequacy of the Salaries of the
Administrative Officers of the Courts.

The papers may as well

be considered. And then

Pring. C. we can then

consider whether it

is desirable to take

any action. It will be

receiving the same careful

attention as the papers

of judicial business.

As to receipts for fees

there is no general

class of fees -

Mr. Justice Jones was appointed to

receive a report on this subject, & to

have also suggested an increase of

fees paid per annum. The Govt of India

of course refused, and here it has ended.

The papers are extremely voluminous: there

is constant encouragement to keep the questions

moving, it can of course be taken up

again.

(C) State of Small Cause Court

Suits are filed in the High Court?

The answer is, in 1870 - 101 suits

" 1871 - 177 suits

" 1872 - 126 suits

" 1873 - 146 suits.

The King is mentioned - here has been some

correspondence on the subject, and the matter

will be brought up in the course of the year.

Mansingh

worked

(Last clause of para 11, page 4) but here

is a decided improvement in the rate at

which suits are disposed of.

As for Munsifs, particularly, there

were filed in 1873 before him, 56,578

ordinary (non-small Cause) suits,

while only disposed of 61,105.

The total they had for disposal was 89,267;

that is to say, 32,688 remained from

1872; they have worked so well that they

have left only 28,162 at the end of 1873.

There being 113 Munsifs, each man

turned out 500 regular suits in the year;

deducting 6 weeks vacation, they have

46 weeks (not clean weeks, because oc-

casional holidays come in) for work.

This gives about 11 suits of his kind per

week - and since they never have more

than 4 days a week for his kind of

judicial occupation (Mondays & Thursdays being es-

pecially set aside for Small Causes) -

the result is decidedly good. It must be

remembered that a suit is not done with

when the decree is passed. In many districts,

where, e.g. land is of great value, it is

never clear

decided

in the respect

of suits

it may be better

let it be a force

work

part of the

of a year or two

judicial occupation

an hour or two

different from

the Bench

then that as a

longer time

the court

there is before

then it will

work

a drop down preparing on the working of the

Small Cause Court of Madras for 1873.

(E) The apparent want of power in the Courts

to meet the increasing business.

The District Munsifs are particularly

indicated by Mr Robinson.

The High Court, on the contrary, point out

No suit - however intricate or important -
and their jurisdiction now goes up to £500⁰⁰ -
in however contested, lasts a year - Men
while they have jurisdiction, finish and
summary, take the fixed process Courts,
in all claims under bonds, loans,
shop accounts & such like up to 50/4.
Suits of this kind filed before them, including
those remaining for disposal from last year,
nearly equalled the Greenleafs in number,
86,113 against 89,267 - and being disposed
of 98.05 per cent. of them - These suits
are disposed of much quicker see weeks
on an average.

(2) The jury system, as distinct from the appeals system, is in force in 6 districts only - and the cases tried are offences against property only.
Theft, Robbery, Burglary, Receiving -

for untested units, where only the paper
artifacts are examined, i.e., we must
allow at least five processes for each unit.
This brings us total to one million processes
while the 1000 (untested) are labour intensive
makes a comparison) have never been
then half a million in the year. The cost to the
country coming in unit is about $\frac{1}{2}$ P. only
on the average. including process in execution.
perhaps $\frac{1}{2}$ a million per year - 1000 units

N. S. S. S.
G. S. S. S.
C. S. S. S.
N. S. S. S.
S. S. S. S.

The jury before me
said that the U.S. in order
to nullify is evil, the case
appears to be wrong. Now I
thought - 23/7 1787

This conjecture is verified - the number of processes to be ascertained

Encl. No 1

Civil & Cr. T.

In Pm to the High Court
remarks that the cost of
Establishment fixed
by District Judges for
Civ. suits amounts to
nearly 7 lakhs of Rupees.
This sum provides for
an army of some 9000 to 10,000
men at Rs. 6 or 7 per man
or nearly equal to half
the whole Police force,
which besides ordinary
Police duty, execute all
military & other
military & other
numbering I think between
25000 to 30000

The evils of excessive
Establishment of this charity
need no comment and
the number & comparison
Suffice

Suggest such as...

Might not the Government
call for a statement showing
the number attached to each
Court and the average
number of persons actually
examined?

As to Para 9 the Court
earnestly recall attention
to their representations
in respect to the inadequacy
of the Salaries of the
Ministerial Officers
of the Civil ^{Courts} of the Presidency.
Should not some steps
be taken ^{at once} to rectify an
acknowledged evil of
such long standing?

Para 10 The statement
does not show what
percentage of the original
suits filed before the
High Court were within the
jurisdiction of the Small
Cause Court. This shall

be supplied 9/8

Para 11 It appears that
46.4 per cent. of all the
litigations of the Court are
conducted before the
Court of Small Causes
and that for all
practical purposes the
whole are disposed of
out of hand. This is
most satisfactory. But
as respects ordinary suits
the results are far less
satisfactory. Especially
as regards District Munsif
Court, before which comes
some 57 per cent. of the
entire ordinary litigation
of the Court. The S. Ct.
more than two-thirds of
the number of suits for
disposal are, so far as
I can judge, actually
disposed of in the year.
The

The facts appear to me
indicate want of power
in the Court to meet the
increasing business, and
a considerable trial suggests
itself.

Might not the Government
ask the High Court to
explain and suggest
a remedy? More Members
Court are probably required.
Para 13. The percentage
of appeals "modified"
and "reversed" is
considerable in all
Courts.

High Court - 42.6 per cent
Lower Courts - 34.4.

Criminal Justice

Para 18. The High Court
prominent - as I believe
has already been frequently
stated - that the percentage
of acquittals to convictions
in jury cases in up-country
Courts continues to increase
the greater if not increasing
weakness

weakness & inefficiency
of the institution for such
localities. Before the
High Court 75.6 per cent
of all committed remain
in conviction - which is
the normal percentage
of convictions in jury
trials in England. In
up-country Courts 50.1 per
cent of committed are
acquitted. I would call
for special reports from
each each of the Judges
& Magistrates of the
District into which this
institution has been
introduced, and from the
Inspector General of Police,
with a view to withdraw
the power where obvious
obstruction of justice. The
number of cases & that
the people suffered with accession
lots are generally far superior
to ordinary jurors suggest the
importance of this.
1888 J. H. Robinson

1567
Judicial Dept

Pres. he (Civil, Justice) Admin. Refuse

up the High Court for 1873.
Obtained 22 August 1874 to 1867.

The following points appear to call for
remarks.

Para 6. 1st. The cost of the Estates kept up in the
various Courts, which are paid by the
Procep Service Fees levied on suitors.

There are, however, 155 Courts; each has
on the average 41 Peons & 8 Amines for
serving processes. The total cost per annum
is Rs 26,731,76. Including adpaments,

each person on District who obtain about
7 Rs a month. The total staff, 7748
men, appears very numerous; but the
system is new, & is no doubt being
carefully controlled by the superintending
authority.

Para 9. 2d. The inadequacy of the Salaries of the
Judicial Officers of the Courts.

The G. M. C. will take an early opportunity
of renewing correspondence with the Govt of
India on this subject.

Para 10.

3d. Suits to the number of 881 were
instituted in the High Ct, Original Side.
Information has been obtained that
nearly one half of these suits belonged
properly to the Small Cause Court, where
such suits will no doubt hereafter be
brought, under the operation of the new

18 July 1874 No. 13/19

Scale of Fees adopted
for the High Ct, under the
sanction of Govt. under date 1.

4th. Average duration of Suits.

The High Ct. shows a decided improvement
in this respect. Taking in returns for
District Munsifs, it appears that the total
of the suits brought for disposal was
89,267 viz, 32,888 remaining from
the year 1872, and 56,379 filed in
1873. They disposed of 6,105, leaving
23,162 to be carried over to 1874.

There being 113 Munsifs, each officer
turned out 500 regular suits in the
year of 46 working weeks, less occasion-
al holidays. This gives about 11 suits per
of weeks - and since they never have
more than 4 days a week for this
kind of work including execution of
process - Mondays & Thursdays being
expressly set aside for small causes -
the result is decidedly good. Binding,
however, the total number of suits this
year, period of at the end of 1873, &
taking the same rate of progress, it
will appear that at the commencement
of 1874 each Munsif was at 22
weeks taking in, or a good
a little less, a week twelve
months - will be asked to

perhaps

Relinquency (non small cases)

Amongst 113 Munsifs

23/19

State where the interests

of hunters do not require an increase
the number of Munsifs under these
circumstances.

The total of S.C. suits pending & filed
before Dist. Munsifs was 26,113; of
which more than 92.05 per cent.

5th Criminal Justice.

Para 16 purports to give the amount
of work coming before the Criminal Ct.
of each district in the Presidency, but
the table appended gives only the
number of persons convicted and who
appealed from that conviction. It is
requested that in future years, the
number of persons brought before the
several kinds of Courts may also be
given.

Para 18.

6th. The Jury system in the Munsif.

This, as contradistinguished from
the system of Jafors, has been introduced
for certain classes of offences only, in
the districts. Excluding 19 persons who
were discharged without trial or convicted
on a plea of 'guilty', 78 persons were
tried, of whom 243 were acquitted. The
"proportion of acquittals" the Report
remarks "to convictions seems excep-
tional". The L. M. however observes from
the last part of para 18 that 243
persons were tried before the Jafors,
and from the Table at Para 16 that only

33
1567

1618 were convicted; leaving 18th
who were acquitted. The proportion
of acquittals by trials, however,
are not disproportionate.

It is stated in future Reports
in how many cases a note shall be
made.

Page 526: line 263

Court of King's Bench

Instead of the jury or a majority of
the jurors, submit the record for the
order of the High Ct.

17-8-4.

On the 11th of April 1844

60/10/44

2

120

To
He would be the judge
of the Right Court

5. O. 22nd Augt. 1864. 1587

三

Bill of Linnæan Specimens
The administration
Report of the High
Court for 1893 reviewed.