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Judicial Dept

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(B. no. 58-61)

AK

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

9th January 1877, No. 56.

Courts—Small Causes.

Read the following paper:—

No. 58. From T. WEIR, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 16th October 1876, No. 2396.

I am directed to bring to the notice of His Grace the Governor in Council the opinion of the High Court that it is expedient to abolish the Court of Small Causes at Vellore (North Arcot).

2. In a letter, dated 22nd February 1875, the High Court, in answer to a reference from Government, recommended the abolition of all the Small Cause Courts in this Presidency, and suggested certain arrangements for increasing the salaries of some classes of Judicial Officers and Ministerial Servants of the Courts from the funds which would thereby become available.

3. The proposals of the High Court, having met with the approval of the Madras Government, were submitted to the Government of India for sanction (Proceedings of Government, dated 27th February 1875, No. 480), and are, it is understood, still pending before that Government.

4. From the letter of the 22nd February 1875 above referred to Government are acquainted with the general considerations on which the High Court proceeded in recommending the abolition of the Small Cause Courts of this Presidency. In addition, however, to the general considerations already stated, there are special and peculiar reasons for closing the Court of Small Causes at Vellore by an early date.

5. From the tabular statement given in the margin it will be seen that there has not been a single original regular suit instituted in this Court for seven years, that the Court has had no appellate work during the past four years, and that, even when it had such work, the amount was extremely limited.

Years.	Regular Suits.	Appeals.	Small Causes.
1870	..	44	1,355
1871	..	20	1,591
1872	..	12	1,830
1873	..	..	1,934
1874	..	..	1,778
1875	..	..	1,269
1876	..	..	790

6. The only work coming actually before the Court for disposal, viz., small cause suits, is, in the opinion of the High Court, altogether disproportionate, both as regards quantity and quality, to the expenditure incurred for the salary of the Judge and the pay of the Court's Ministerial Establishment.

7. The District Judge (Mr. Plumer) strongly advocates the abolition of the Court. Copies of the letters* addressed on the subject by the Judge to the High Court are enclosed.

* With enclosures in original.

8. The amount which may be saved by the abolition of the Small Cause Court

Judge's salary	Rs. 16,800	is, as detailed in the margin, a sum of
Clerk's do.	4,000	Rs. 29,623. This sum, I am to point out,
Servants' do.	180	would go far to meet the additional outlay
Guards' do.	493	involved in the scheme for the revision of
Process-servers' salary	8,127	Judicial Establishments in this Presidency,
Total	29,623	the sanction for which has been postponed

grounds (Proceedings of the Madras Government, dated 2nd August 1876).

9. If His Grace the Governor in Council concurs with the High Court in thinking that the Small Cause Court should be abolished, the High Court will proceed, under the powers conferred in Section 11 of Act III of 1873 (Madras Civil Courts Act), to make such modification as may be required in the jurisdiction of the several District Munsifs of the North Arcot District.

10. The class of suits (exceeding in value Rupees 50) hitherto coming before the Small Cause Courts will be filed in the District Munsifs' Courts as ordinary suits. The additional work which may thereby devolve upon the District Munsifs can, in the opinion of the High Court, be disposed of by those officers without inconvenience.

From C. G. PLUMER, Esq., District Judge of North Arcot, to the Acting Registrar of the High Court of Judicature at Madras, dated Chittoor, 14th September 1876, No. 51.

I have the honor to forward my proposals for the abolition either of one of the District Munsifs' Courts or the Small Cause Court in this district.

2. If the Small Cause Court be retained, there is no doubt that four Munsifs can easily do the work of the present five Munsifs.

3. The state of the files of the Palmanair and Tripaty District Munsifs conclusively prove this. At the end of June in the former Court there were fifty, and in the latter forty, original suits pending.

4. In my letter of the 21st October 1873, No. 60, I made a report on the same subject. I have again carefully considered in what way most beneficial to public interests a District Munsif's Court could be abolished and the jurisdiction at present held by five Munsifs distributed amongst four. I have more than once consulted with the Collector, and he quite agrees with me that there is no plan so feasible as that detailed in the letter above referred to, viz., to abolish the Sholingur District Munsif's Court, to give Gudiyattam Taluq and the several polliems except Nargandi at present under the Chittoor District Munsif to the Palmanair District Munsif, to give Wallojeh Taluq to the Chittoor District Munsif, Tripaty and Palliput Taluqs to the Tripaty District Munsif, moving the head quarters of the Chittoor District Munsif to Raneepet, and giving the name to that of Arcot District Munsif.

5. As I have said, there are objections to this plan, but there are, in my opinion, fewer objections to it than to any other.

6. The principal objection is that the work will still not be quite evenly distributed, as the Arcot Munsif would have considerably more work than any of the other District Munsifs. This might be obviated in the following way.

7. If the Small Cause Court at Vellore be retained, the Vellore Taluq might be withdrawn from the jurisdiction of the Arcot Munsif, and the Small Cause Court Judge might be invested, under the Civil Courts Act, with all the powers of a Subordinate Judge in that Taluq.

8. This plan would have many advantages: it would equalize the work of the several District Munsifs; it would bring the Small Cause Court Judge somewhat under the supervision of the District Judge; it would give the Small Cause Court Judge more occupation than he has at present; and,

by means of the appeals and special appeals to the District Court and High Court, it would bring his work under the supervision of superior Judicial Officers, and would give him some training for higher judicial employment.

9. I may mention that I find that from 1862 to 1868 the Gudiyattam Taluq was under the Palmanair District Munsif, and I am not aware of any complaints being made of the inaccessibility of the Court. The limits of that taluq extend to within a few miles of Palmanair.

10. I am informed by the Collector, and the Acting Head Assistant Collector who lives at Raneepet, that there would be no difficulty in finding a building at Raneepet which, at a very small cost, might be made available for a Court-house for the District Munsif.

11. In my letter of the 21st October 1873 above referred to I suggested the abolition of the Small Cause Court at Vellore and gave my reasons at length for the proposal. I still adhere to those reasons, and the return just received from the Small Cause Court Judge shows, from the number of suits (700) filed since 1st January 1876, that the Judge cannot possibly have enough work to occupy his time, and shows probably also that the Court is more and more disliked by the people of the district.

12. I have never heard a good word spoken for the Small Cause Courts, and, looking at the way they are worked, I do not wonder at it. They are, I think, bad for the public and bad for the officers employed; the former in many cases do not get justice; the latter are placed in a position which no young and inexperienced man should be placed in; their work is open to no supervision; their errors remain undetected and irreparable; they contract slovenly and idle habits from not having to give their reasons for their decisions and from not having enough work to do.

13. I see in paragraph 3 of the High Court Administration Report for 1875 that Government has expressed its intention to abolish the Small Cause Courts. I think that, the sooner effect is given to that resolution, the better for all parties.

14. If the Small Cause Court at Vellore be abolished, I think for the present I would retain the present number of District Munsifs. I do not think we can judge from the number of suits filed in the Small Cause Court what would be the increased number filed in the Courts of the several District Munsifs. I would not recommend any change in the number of Munsifs until sufficient time has elapsed to let the result fully shown and made clear.

15. I think, however, as I said in my letter of the 12th February 1874, No. 13, that I would move the District Munsif's Court from Chittoor to Vellore, and the other slight changes therein proposed might also be given effect to.

No. 59. ORDER THEREON, 9th January 1877, No. 56.

The High Court propose the early abolition of the Court of Small Causes held at Vellore, and the application of the funds so released towards carrying out the scheme for improving the Judicial Establishments of this Presidency, which has been approved by the Government of India, but is suspended on financial considerations.

G.O., 2nd August 1876, No. 1675.

2. A proposition for the abolition of the several Courts of Small Causes established in this Presidency under Act XI of 1865 is pending before the Government of India, having been submitted to them in the letter from this Department, dated 27th February 1875, No. 481. There were originally eight Courts of this class in this Presidency, but those held at Coimbatore, Negapatam, and Tellicherry have been abolished,

Chidmalere.
Madura.
Vellore.

Combacorum.
Masulipatam.

and there are now only five such Courts in existence at the stations named in the margin. Three of these Courts are presided over by Judges of the Covenanted Civil Service on salaries of Rupees 1,400 a-month each; a fourth is under a Judge,

not Covenanted, but drawing a salary of Rupees 1,400 a-month; and the fifth is under an officer of the Subordinate Judge Class on Rupees 700 per mensem. It was proposed to convert this last-mentioned Court (Masulipatam) into a Subordinate Court and to abolish the four other Courts, and it was calculated that this abolition would set free Rupees 87,792 a-year to provide for the cost of substitute Courts as well as funds for improving the position of the more deserving Native Subordinate Judges and District Munsifs and their establishments. The scheme proposed by the High Court to effect this object, and which was submitted for the sanction of the Government of India, consisted of three branches as hereunder mentioned:—

I. Additional Courts.

	Per Annum. RS.
Three Subordinate Courts and establishments at Rupees 750 per month	27,000
One Additional District Munsif and establishment at Rupees 320	3,840
	30,840

II. Improving position of Judges.

Two Sub-Judges to be advanced from Rupees 500 to Rupees 700 per month	4,800
Four Sub-Judges from Rupees 500 to Rupees 600 per month	4,800
Eighteen District Munsifs from Rupees 250 to Rupees 300	10,800
Twenty-five District Munsifs from Rupees 200 to Rupees 250	15,000
	35,400

III. Increase of pay to Court Servants.

One hundred and twelve District Munsifs' Head Clerks from Rupees 20 to Rupees 35 each per mensem	20,160
One hundred and twelve District Munsifs' second Clerks from Rupees 14 to Rupees 15	1,344
	21,504
Annual outlay	97,744

The Government of India called for information on various points connected with the amount of work, the standing of the Judges, and the local jurisdiction of the Courts proposed to be abolished; and, in the reply from this Department, dated 30th July 1875, No. 1687, information in full was supplied on all the points required.

3. In addition to the general considerations on which they proceeded in recommending the abolition of the several Mofussil Small Cause Courts proper, the High Court now state that there are special and peculiar reasons for closing the Vellore Small Cause Court at an early date. From the statement in the margin of paragraph 5 of their letter, it appears that there has not been a single original regular suit instituted in the Vellore Court for seven years, and that it has had no appellate work during the past four years. It appears, further, that only 700 small causes were instituted in the Court in the whole of 1876, and this work the High Court consider to be altogether disproportionate, both as regards quantity and quality, to the expense incurred in maintaining it. The High Court are prepared to arrange for the work done at present by the Vellore Small Cause Court by distributing it among the existing District

Munsifs under Section 11 of Act III of 1873, and they point out that the amount, Rupees 29,623* a-year, which would be saved by its abolition, will go far to meet the additional outlay, Rupees 37,854 per annum, involved in the scheme for the improvement of the Judicial Establishments which was submitted to the Government of India in the letter from this Department, dated 15th May 1876, No. 925.

4. The original proposal for the improvement of the Judicial Establishments, as prepared by Mr. Justice Innes and modified by this Government, involved an annual increased expenditure of over two lakhs, but the minor scheme recently submitted for sanction entailed an additional charge of only Rupees 37,854 per annum. This modified scheme met with the approval of the Government of India, who expressed their recognition of the care and moderation with which it was drawn up; but, although not objecting to it on administrative grounds, they have felt it necessary to postpone sanction on financial considerations. The abolition of the Vellore Small Cause Court will, however, at once set free Rupees 29,623 per annum towards carrying out the approved scheme.

5. Under the circumstances represented by the High Court, the Governor in Council resolves, in exercise of the power vested in him by Section 3 of Att XI of 1865, to abolish the Court of Small Causes at Vellore from and after such date as the Honorable the Judges may determine and to transfer the presiding Judge to the Madras Court of Small Causes in which a substantive vacancy now exists. The High Court will be requested to report the date they may fix on for the abolition of the Vellore Court to enable the Government to notify it in the *Fort St. George Gazette*.

6. These Proceedings will be reported to the Government of India, and their sanction requested to the employment of the funds which will be set free by the abolition of the Vellore Court, viz., Rupees 29,623 per annum, in carrying out to the extent they will permit the scheme for improving the position of the Judicial Establishments of this Presidency approved by the Government of India, but at present postponed on financial considerations. The Governor in Council further resolves to solicit early orders on the general proposition to abolish the remaining Small Cause Courts (proper) of this Presidency which is still pending before the Government of India in view to the funds thereby set free being employed in carrying out the larger scheme submitted in the letter from this Department, dated 27th February 1875, No. 481, which includes a provision, long felt to be necessary, for improving, to some extent, the position of the more deserving Native Judges and the establishments of the District Munsifs.

(True Extract.)

To the Honorable the Judges of the High Court at Madras,
Esq. A. Grubert.

Chief Secretary.

with the enclosures returned.

JUDICIAL DEPARTMENT.

Courts—Small Causes.

No. 57.

FROM

THE CHIEF SECRETARY TO GOVERNMENT,

FORT ST. GEORGE,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT (JUDICIAL).

SIR,

I am directed by the Governor in Council to forward, for submission to the Government of India, in continuation of the correspondence noted in the margin, the accompanying copy of Proceedings of this Government of this date resolving, on the grounds therein set forth, to abolish the Small Cause Court of Vellore from an early date.

2. The Governor in Council requests sanction to employ the funds which will be set free, viz., Rupees 29,625 per annum, in carrying out, to the extent they will permit, the scheme for improving the position of the Judicial Establishments of this Presidency which was approved by the Government of India under date 22nd July 1876, No. 479—Home (Establishment), but postponed on financial considerations. The Government also request early orders on the general proposition for abolishing the remaining Small Cause Courts proper and employing the funds which will thereby be set free in carrying out the larger scheme submitted in the letter from this Department, dated 27th February 1875, No. 481.

I have the honor to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,

9th January 1877.

Chief Secretary.

Ed. A. Grubert.

No 2396

From

J Weir Esquire,

Acting Registrar of the
High Court of Judicature
at Madras.

To

The Honorable W. Rudleston,

Chief Secretary to
Government.

Honorable Sir,

I am directed to bring to the
notice of His Grace the Governor in
Council the opinion of the High
Court that it is expedient to abolish
the Courts of Small Causes at Vellore
(North Arcot).

In a letter dated 25th of
February 1875, the High Court, in
answer to a reference from Govern-
ment, recommended the abolition
of all the Small Cause Courts in

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From the Hon. Secy to Govt.

For the Hon. Secy to Govt.

By

For the Hon. Secy to Govt.

By

For the Hon. Secy to Govt.

D. For

For

D. For

For

Under the authority of the
Hon. Secy to Govt. the
Hon. Secy to Govt. has
the honor to acknowledge
the receipt of the letter
of the Hon. Secy to Govt.
dated 25th Feb 1875.

this Presidency and suggested certain arrangements for increasing the salaries of some classes of Judicial Officers and Ministerial servants of the Courts from their funds which would thereby become available.

The proposals of the High Court having met with the approval of the Madras Government were submitted to the Government of India for sanction (Proceedings of Government dated 27th February 1875, N^o 942) and are, it is understood, still pending before that Government.

From the letter of the 22nd February 1875 above referred to, Government are acquainted with the general considerations on which the High Court proceeded in recommending the abolition of the Small Cause Courts of the

Presidency. In addition, however, to the general considerations already stated there are special and peculiar reasons for closing the Court of Small Causes at Vellore by an early date.

Statement showing the number of appeals, Original Suits, &c., instituted in the Vellore Small Cause Court.

Years.	Regular Suits.	Appeals	Small Causes	original Regular Suit instituted in this Court
1870	"	44	1355	
1871	"	20	1591	
1872	"	12	1830	
1873	"	"	1934	
1874	"	"	1778	
1875	"	"	1269	
1876	"	"	700	

for seven years, that the Court has had no appellate work during the first four years and that even when it had such work the amount was extremely limited.

The only work coming actually before the Court for disposal, viz. Small Cause Suits, is in the opinion of the High Court

altogether disproportionate both as regards quantity and quality, to the expenditure incurred for the salary of the Judge and the pay of the Court's ministerial establishment.

The District Judge (Mr. Munier) strongly advocates the abolition of the Court. Copies of the letter addressed on the subject by the Judge to the High Court are enclosed.

With enclosure in original to be returned.

The amount which may be saved by the abolition of the Small Cause Court is as detailed in the margin, a sum of Rupees 29,623. This sum, I am to point out, would go far to meet the additional outlay involved in the scheme for the revision of judicial establishments in this Presidency, the sanction for which

* Judge's salary	16,800.
Clark's do	1,000
Servants do	180
Guard's do	498
Process server's do	5,137
	<u>29,623.</u>

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which has been sanctioned by the Government of India on financial grounds (Proceedings of the Madras Government dated 22 August 1876).

If His Grace the Governor in Council concurs with the High Court in thinking that the Small Cause Court should be abolished, the High Court will proceed under the powers conferred in Section 11 of Act III. of 1873 (Madras Civil Courts Act) to make such modification as may be required in the jurisdiction of the several District Munsifs of the North Arcot District.

The class of suits (suits coming in value Rupees 50) hitherto coming before the Small Cause Courts will be filed in the District Munsifs' Courts as ordinary suits. The additional work which may thereby involve

upon the District Munsiffs, in
the opinion of the High Court, be
disposed of by those officers with-
out inconvenience.

High Court of Madras, the Honorable Sir,
Judicature, Madras, 16th October 1876.
Your most obedient servant,

Edwin

Acting Registrar,
Appellate Side.

No 54.

North Arcot,
District Court,
Chittoor, 14th September 1876.

From

C. G. Phuner Esquire,
District Judge,
North Arcot.

To

John Shaw Esquire,
Acting Registrar of the
High Court of Judicature,
Madras.

Sir,

I have the honor to forward
my proposals for the abolition either
of one of the District Munsiffs' courts
or the Small Causes Court in this
District.

2. If the Small Cause Court
be retained there is no doubt that
four Munsiffs can easily do the
work

work of the present five Munsiffs.

3. The state of the files of the Palamanair and Tripaty District Munsiffs conclusively prove this - At the end of June in the former Court there were 50 and in the latter 40 Original suits pending.

4. In my letter of the 21st Oct 1873, No 60, I made a report on the same matter. I have again carefully considered in what way most beneficial to public interests a District Munsiff's Court could be abolished and the jurisdiction at present held by five Munsiffs distributed amongst four. I have more than once consulted with the Collector and he quite agrees with me that there is no plan so feasible as that detailed in the letter above referred to viz to abolish the

58
the Shohingur District Munsiff's Court, to give Gudiyattam Taluq and the several Policees except Karaganti at present under the Chittoor District Munsiff, to the Palamanair District Munsiff, to give Wallajah Taluq to the Chittoor District Munsiff, Tripaty and Palliput Taluqs to the Tripaty District Munsiff, moving the Head Quarters of the Chittoor District Munsiff to Ponnegol and altering the name to that of Arcot District Munsiff.

5. As I have said there are objections to this plan but there are in my opinion fewer objections to it than to any other.

6. The principal objection is that the work will still not be quite evenly distributed as the Arcot Munsiff would have considerably more.

more work than any of the other District Munsiffs. This might be obviated in the following way. -

7. If the Small Cause Court at Bellore be retained, the Bellore Taluk might be withdrawn from the jurisdiction of the Arch. Munsiff and the Small Cause Court Judge might be invested under the Civil Courts Act with all the powers of a Subordinate Judge in that Taluk.

8. This plan would have many advantages - it would equalize the work of the several District Munsiffs; it would bring the Small Cause Court Judge somewhat under the ken of the District Judge; it would give the Small Cause Court Judge more occupation than he has at present and by means of the Appeals and Special Appeals to the District Court

and High Court it would bring his work under the supervision of Superior Judicial Officers and would give him some training for higher Judicial Employment.

9. I may mention that I find that from 1862 to 1868 the Gudiyattam Taluk was under the Palmanair District Munsiff and I am not aware of any complaints being made of the necessity of the Court. The limits of that Taluk extend to within a few miles of Palmanair.

10. I am informed by the Collector, and the Acting Head Assistant Collector who lives at Raneepet, that there would be no difficulty in finding a building at Raneepet which at a very small cost might be made available for a Court house for the District Munsiff.

11. In my letter of the 21st Feb 1873 above referred to, I suggested the abolition of the Small Cause Court at Vellore and gave my reasons at length for the proposal. I still adhere to those reasons and the return just received from the Small Cause Court Judge shows from the number of Suits (700) filed since 1st January 1876 that the Judge cannot possibly have enough work to occupy his time, and shows probably also that the Court is more and more disliked by the people of the District.

12. I have never heard a good word spoken for the Small Cause Courts and looking at the way they are worked I don't wonder at it. They are I think bad for the public and bad for the Officers employed, the former in many cases don't

get

780²
get justice; the latter are placed in a position which no young and inexperienced man should be placed in. Their work is open to no supervision their errors remain undetected and irremediable; they contract slovenly and idle habits from not having to give their reasons for their decisions and from not having enough work to do.

13. I see in Para 3 of the High Court Administration Report for 1875 that Government has expressed its intention to abolish the Small Cause Courts. I think that the sooner effect is given to that resolution the better for all parties.

14. If the Small Cause Court at Vellore be abolished I think for the present I would retain the present number of District Munsiffs.

I

I don't think we can judge from
the number of suits filed in the
Small Cause Court what would
be the increased number filed
in the Courts of the several District
Munsiffs. I would not recommend
any change in the number of Munsiffs
until sufficient time has elapsed
to let the result fully shown and
made clear.

10. I think, however, as
said in my letter of the 12th Febru-
ary 1874, No 13, that I would move
the District Munsiff's Court from
Chittoor to Vellore and the other slight
changes therein proposed might also
be given effect to.

I have the honor to be,
Sir,

Your Most Obedient Servant,

/Signed/ C. G. Plimmer,
Esq. Judge.

Acting Registrar, H. S. S. S.

Sir

Proposed abolition of the Vellore
Small Cause Court.

From the High Court,
Madras,
16 Oct/76, N^o 2396

The High Court propose the abolition of the Small Cause Court at Vellore, which is presided over by a nominated Judge, because there is not sufficient work for the Judge.

2. A proposition to abolish the five Small Cause Courts now existing in this Presidency is pending before the Govt of India. It was forwarded to them in February 1875, and involved the proposal to utilize the money saved by the abolition, in improving the positions of the native subordinate judges.

G.O. 13 Feb^r 1875, N^o 331.

3. The Govt of India had in 1874 (Jan & 25 Jan/67, N^o 831, Home Dept) called the attention of this Govt to the fact that 8 Judges of Small Cause Courts in this Presidency drawing salaries to the extent of Rs 10,500 per mensem, decided 8,266 suits in 1874/5 as compared with 24,698 suits decided in that year by 9 Small Cause Judges in Bengal drawing only 8,300 Rs per mensem; so that, although

Rs per mensem
* 7 Judges drawing 1400.
1 Judge ————— 700.

1876/77
21

1876/77

1876/77

1876/77

the cost of 3 such Judges in Madras was
1/2 more than of similar Judges in Bengal;
the Madras Judges did not a little more
than the work turned out by the Bengal
Judges. This fact, they thought, pointed to
the expediency of an enquiry to ascertain
whether it was not possible to effect a
reduction in the Small Cause Courts
of this Presidency. The letter of the Govt
of India was accompanied by a Memo.
submitted by Mr (now Sir John) Sta-
chey on the inadequacy of the salaries
drawn by the Uncovenanted Judges
employed in Bengal & in the N.W. Pro-
vinces; and it appeared from the B. P. para-
graphs of this memorandum, that it
was considered that the salaries of the
Principal Cadr Judges (now styled
Subordinate Judges) should range from
Rs 500 to Rs 500 a month, & that the
average salary should not be less than
Rs 500.

This question was forwarded for the
consideration of the High Court, and it was
reported that Mr. Justice Collett would
take the matter up; but as he could not

do so immediately, Mr. Nelson (then acting
Registrar of the High Court) was deputed by Govt
to report upon the question. His proposals, how-
ever, involved an increase of Rs 24,482 per an-
num, instead of a saving. Mr. Justice Collett
submitted a scheme which only touched the
establishments of the different Appellate
Courts; and as Mr. Nelson afterwards reported
on the Small Cause Courts, but only so as to
secure all the Small Cause work of the com-
try & those Courts, by depriving all subor-
dinate Judges, Magistrates, and even Village
Muniffs of Small Cause powers, the
matter was dropped for the time, until
the Committee of Enquiry in the early

part of 1875.

Paragraph 7 of B. P. 1875
gives a brief history of the Small Cause
Courts, which replaced the Subordinate
Courts of Civil & Criminal Jurisdiction,
held under Regs I and II of 1827 & presided
over by Covenanted Assistants of about 15
years standing. It was considered that many
dealing with petty debts did not fit an office
for the Civil & Criminal powers of a District
& Deputy Judge, while it could not be so training
whenever for the duties of Collector and
Magistrate. In the special work of Small

[illegible]

G.O. 27 Feb/75, No. 480.

2726/75, 12281.

- tion of the most deserving of the nation
- Subordinate Judges and District Att.
- ciffs and their establishments.

7. The High Court entirely agreed with Lord in respect to the abolition of the small Courts ^{as to their being} in ^{now} vigour to prepare a young officer either for the duties of a collector and Magistrate or for the high jurisdiction of a District & Session Judge. The scheme proposed by ^{the High Court,} ~~them~~ which was forwarded for the sanction of the Govt of India, was

as follows:-

Additional Copies.

3 Sub-Carriage & their establishment	Rs.
ments at Rs 750 a month	27,000
1 Additional Munsiff & his establishment at Rs 320	3,840
	<u>Rs 30,840</u>

Advances of Sub: Judge & others apts.

2 Sub Judges to be promoted from Rs 500 to Rs 700 a month	2,000
4 Sub Judges from 500 to 600	4,000
18 Munsiffs from 250 to 300	10,000
25 Munsiffs from 200 to 250	15,000
	<u>Rs 35,000</u>

III. Succession of King to Court & Government.

112 D. Municipal Head Clerks from
No 20 to No 35 ————— 24,150.
112 D. 2^d Clerks from No 14 to No 15 ————— 1,524
No 21,574

Went back to secret items of Co 35,840, Rs 35,222,
and Rs 21,504. made Rs 87,792, which, drawn
from the Rs 87,792 consolidated to be available,

In reply, the Govt of India asked for information on the following points, in connection with each of the five Mohammedan Courts which it was proposed to abolish.

2 - Population of the town at which the
Creek enters the local area of juris-
diction, if any, beyond the limits
of the town.

of the year.

1. - Home pay and standing of the staff.

2. - Amount of work done by him as
S.C.C. Judge during the last year
for which statistics are available.

3. - Amount of work done by him in
any other capacity.

to P.P. Smith had.

2. Whether any other P.C. Court had jurisdiction in or within a circuit 20 miles round the town; and if so, what amount of work was disposed of by such Court during the year?

(-). Was it intended that the work
should be done by the
ordinary Civil Courts according
to the general procedure; or by
Subordinate Civil Courts with power
to take?

(3). If the whole or any portion of the work was proposed to be done by officers exercising A.C.C. powers, what was their standing then?

(3) That amount of small cash not
each officer was expected to dispose
of.

(2) What would be the local limits of jurisdiction?

(2) What other affidavits did he
was to perform?

To G. of S. 30 July, 175, 1. 1687. 9. After consulting with the High Court, the Govt forwarded the following information to the Govt of India.

Information to the Govt of India.			
Station	Name, Standing, &c.	Amount of work in 1874 as Small Cause Judge	Provisions as to other capacity.
<u>Cuddalore</u> <i>Res. Comm. 48,290. S. 1863-48-73</i>	Mr. Parker, Cor ^y of session of 1863, on Rs 1400.	993 suits (of which "about 2/3" were trials)	8 ^{out} embodied suits and 110 embodied appeals.
<u>Madurai</u> <i>Res. Comm. 57,137 S. 1864-57-82</i>	Mr. Marshall, Cor ^y of session of 1864 on Rs 1400. (<u>now vacant</u>)	1736 suits (of which as above)	2 embodied original suits 53 embodied appeals.
<u>Vellore</u> <i>Res. Comm. 38,222 S. 1863-71-84</i>	Mr. Binghamton, Cor ^y of session of 1863 on Rs 1400. (<u>now held by Mr. J. L. J. J. J.</u>)	1,101 suits (- do)	<u>nil.</u>
<u>Madurai</u> <i>Res. Comm. 44,444 S. 1863-71-84</i>	Mr. Cross, J. Comm ^y , since from 1863 when app ^y to S. 1863-71-84 - Rs 1400	1,023 suits (do)	47 embodied original suits 85 - do. appeals.
<u>Madurai</u> <i>Res. Comm. 33,888 S. 1863-71-84</i>	Mr. Williams, J. Comm ^y . 35 years service, Rs 700.	384 suits (do)	12 embodied orig ^y suits, 126 - do. appeals.

1. The Court has jurisdiction within a circuit
of 20 miles around the town of, the Court
explained that while the five Courts
proposed to be abolished were the only S.C.
Courts in this Presidency under Act 28 of 1833,
this Act has (under Act 28 of 1833) invested
all other Civil Courts with Small Cause
jurisdiction up to Rs. 50, and 10 Subordi.
magistrates with the same jurisdiction
up to Rs. 25, which is the limit of the
Small Cause Courts proper. Except in the
two districts, there is a district where
in all of the towns in which a Small
Cause Court proper has been established,
concurrent jurisdiction in
small causes; & in the Civil Courts.
In determining, however, the tribunal
to be the Court. Here also, it was added, for
the maintenance of Small Cause Courts, and must
be provided for by the 1st Commission.
It was further added that by giving Small Cause
jurisdiction to the Subjudges who had not before
any, and to the three additional
Subjudges, the jurisdiction has been
extended to the Courts of the abolished

Small Cause Courts proper), all the
Courts of the country in this respect will
be fully met and funds set free for the
important purposes urged by the High
Court.

11. The Court of Appeal has not yet re-
plied in the question submitted to them;
but previous to their call for explanation
June last year, two telegrams were received
from them. In the first, dated 17th July, they
said - "letter, 4th July 1875, with abolition
of Small Cause Courts under consideration.
Orders will be issued as soon as possible."
In the other dated 24th July 1875, they said -
"Pending reply to your letter, dated 27th
July 1875, please do not in any way
abolish the Courts of Small
Cause Courts."

12. In their letter now before the
the High Court state that, in accordance
the general instructions in which they are
clothed in determining the abolition of
the Small Cause Courts, there are several
peculiar reasons for closing the Small Cause
Courts at an early date. By doing so
mentioned the manner of proceeding, the
the High Court show that there has not been

from the Ag. Regt. High Court of Justice, at 2276
Oct. 19th. 1896.

The High Court proposes
the early abolition of the London
Small Business Relief Act, and
the application of the principle of
university
~~extension~~ to the
wards carrying on the
~~the university~~ the scheme
for improving the financial con-
ditions of the University, as it has
been approved by the report of the
Committee on financial con-
siderations.

2. A proposition for the abolition of the several Courts & ^{Establishments} small Courts in this Presidency under Act XI. of 1853 is pending before the Govt of India, having been submitted to them

in the letter from this Dept
 dated 27 February 1875, No 481.
 There were originally 8 Courts of this class
~~Small Courts~~ in this Presidency
~~under the name of 1st class~~
~~under the name of 2nd class~~ those left

at Coimbatore, Nagapattanam, & Tellicherry,
 have been abolished; ~~in that~~ and
 there are now five such Courts in
 existence ~~at the stations named~~
 in the margin. Three of these Courts
 are presided over by Judges of the
 Commissioned Civil Service on salaries
 of Rs 1200 per month each; a fourth
 is under a Judge not Commissioned,
 receiving a salary of Rs 1400 per
 month; and the fifth is under
 an officer of the Subordinate

Coimbatore
 Madurai
 Bellary
 Coimbatore
 Malabar

just a class on Rs 700 per month.
 The proposed ~~reduction~~ ^{increase} was to
 convert this last mentioned Court
 (Malabar) into a District
 Court, and to abolish the
 four other Courts. It was calculated
 that the abolition of these four

~~Small Courts~~ ~~under the name of 1st class~~
~~under the name of 2nd class~~ would cost
 per Rs 57,772 a year to provide for
 the cost of Subordinate Courts, and for
 for improving the position of the
 more deserving native Subordinate
 magistrates & District Magistrates
 and their establishments. The
 scheme proposed by the High Court
 to effect this object, and which was
 submitted to the Government for
 report of order, consisted of the
 branches as hereinafter mentioned.

I. Additional Courts

3 Subordinate Courts to be established.
 Salaries at Rs 750 per month — 2,250
 1 Additional District Magistrate
 & establishment at Rs 300 — 3,846

II. Improving position of Judges

2 Sub Judges to be advanced from
 Rs 500 to Rs 700 per month — 4,000
 4 Sub Judges from Rs 500 to
 Rs 600 per month — 4,000
 18 District Magistrates from Rs
 250 to Rs 300 — 18,000
 25 do from Rs 200 to Rs 250 — 12,500

III. Increase of Pay to Court Servants

112 District Magistrates' Head Clerks
 from Rs 30 to Rs 35 each per month — 22,400
 112 do. 2d Clerks from Rs 14 to Rs 15 — 1,600

Annual outlay Rs 57,772

3. In addition to the general considerations on which they proceed in recommending the abolition of the ^{inferior} High Court of Judicature, the High Court now state that there are special reasons for closing the Madras District Court at an early date. ^{For the} ~~Legal~~ statement in the margin of para 5 of their letter, ~~it appears that there has not been a single original~~ ^{it appears that there has not been a single original} ~~regular suit instituted in the~~ ^{regular suit instituted in the} Madras Court for seven years, and that it has had no appellate work during the past four years. It appears, further, that only 300 cases were instituted in the Court

Judge's Salary	_____	16,800
Clerk's do	_____	4,000
Court Servants do	_____	180
Quarries do	_____	495
Process Servers do	_____	7,137
		<u>\$29,612</u>

2. The original proposal for
 the improvement of the judicial
 establishments, as prepared by
 the Govt of India, 17 April 67, No. 610.
 Mr. Justice James was modified
 by this Govt. involved, was aimed
 at increased expenditure of some
 two lacs; but the scheme recently
 submitted for sanction ^{is} ~~is~~ ^{at a charge}
 an ~~amount~~ of only Rs 37,854 per
 annum. This modified scheme
 has met with the approval of the
 Govt of India, who have been
 to express their recognition of the
 care & moderation with which
 the decision is, but although
 they have no objection to the scheme
 on administrative grounds, they
 feel it necessary to postpone sanc-
 tion, ~~on the ground of the financial~~
~~considerations.~~
~~as it is impossible to incur~~
~~any additional expenditure~~
~~which can be avoided.~~ The
 abolition of the Vellore Small
 Cause Court, ^{however,} will at
 once set free Rs 27,523 per annum
 towards carrying out the approved scheme.

and to transfer the
 pending judges to
 the Madras High Court
 in N. a. & to transfer
 the same to exist.

5. Under the circumstances
 represented by the High Court,
 the Govt in Council resolves to
~~exercise~~ of the power vested in him
 by section 3 of Act No. 1 of 1862, to
 abolish the Court of Small Causes
 at Vellore from and after such date
 as the Honble the Judges may
 determine, and to transfer the
 High Court will be
 requested to report the date
 they may fix for the abolition
 of the Vellore Court, to enable the
 Govt to ~~publish a notification~~
 in the Fort St. George Gazette
 announcing such abolition.

6. This Govt in Council also
 resolves to ~~report~~ these proceedings
 with the report to the Govt of India, & to request
 their sanction, ~~on the ground of the financial~~
 which will be set free by the aboli-
 tion of the Vellore Small Cause
 Court, viz Rs 27,523 per annum,
 in carrying out to the extent they
 funds will permit, the scheme for
 improving the position of the judi-
 cial establishments of this Presidency.

which has been approved by the
Govt of India, but ^{at present} postponed
on financial considerations.
The Govt in Council further re-
solves to solicit early orders
for the general proposition to
abolish the ^{main} Civil Cause Courts
(proper) of this Presidency
which is still pending before
the Govt of India, in view of the
sums which ~~will~~ thereby be
free being employed in carrying
out the larger scheme submitted
in the statement of this Department
of Feb 75, No 48, which includes
a provision, long felt to be necessary,
for improving to some extent the
position of the more clearing up
the Judges & their establishments
the District Munsiffs.

The Honble the Judge, High Court, Madras } Despd 30/11/77
with the same returned

Despd 29/11/77

Full Despd

To The Secretary to the
Govt of India,

Home Dept, India, Calcutta.

I am directed by the Govt
in Council to forward for info
to the Govt of India,
in continuation of the correspondence which has been
the accompanying copy of the
Proceedings of the Govt of this
date resolving, in the premises
therein set forth, to abolish the
Small Cause Court of Vellore
from ^{an early} date in the hope
Court may determine, with
reference to the arrangement
they are prepared to make,
under Sec II of Act III of 1873,
for the discontinuance of the Court
business among the District
Munsiffs of the North Arcot
District.

The Govt in Council
2.

request, sanction to employ
the funds which will be set free
by the abolition of the ~~Small Cause Court~~
Small Cause Court, Rs 27,623

for remuneration, in carrying out to
the extent the available funds
will permit, the scheme for
improving the position of the
Judicial Establishments of the
Presidency which ~~has been~~
set by the Govt of Madras but
postponed on financial consid-
erations; ~~and~~ the ~~also~~ request early
orders on the general proposition
for abolishing the ~~Small Cause~~
Small Cause proper, employing
the funds which will thereby be
set free in carrying out the
larger scheme ~~intended~~ in
the letter of the 27 Feb 75, No.

481. 

recd 22 July 75
No. 479. Secy. (Rel. Secy.)

For Secy
G. Jany 11

Recd 28/11
No. 18801
4

No. 58 Judd. Dept. 13

The Hon: Sir Walter Morgan, Kt.
Chief Justice of the High Court
of Judicature,
Madras

Respected Sir,
I am directed by the
Govt in Council to transmit
the enclosed Proceedings of Govt
of this date, on the subject of the
abolition of the Small Cause
Court of Madras, & to request
the Honble. the Judges to com-
municate the exact date on
which they may determine that
the abolition shall take place,
to enable the Govt to publish
the required Notification in
the Fort St. George Gazette.

For Secy
9 Aug 77



Indial 1977 Ophelia

(1856) 27-38

99-1-17

Proceedings of the

Indian Court

Platby 2 Aug 17

6-51-159

N: 589061

Emile J. M. B. B. B.

The abolition of the

Indian Court and the

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21-11-13
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11-2-18

13 July 15 Aug 331.
 17 — 20480-1.
 15 Aug 196 Aug 925-
 20 Aug 196 Aug 1595-
 30 Aug 195 Aug 1689
 10 Aug 195 Aug 2800
 10 Aug 195 Aug 1835-

Judicial 1876 Opinions
 Court - Bank County
 The Hon. J. P. Graham of the
 High Court of Judicature
 at Madras.
 To the Chief Secretary to
 Government.

Dated 10th
 March 19. } Dated 1876
 No 2396. *W. S. M.*
 With 13 Enclosures

Bringing to the
 notice of His Grace the
 Governor and Council the
 opinion of the High
 Court that it is proper
 to ask the Hon. the
 High Court to ask the
 Hon. the High Court
 of Madras (No. 2396).