

Memorandum shewing the System of Judicature in Mysore.

1. When the Governor General of India resolved that the Territories of the Rajah of Mysore should be governed until further orders by a sole Commissioner and four European Superintendents in the Districts, the System and Establishments for the administration of Justice which then existed being considered inadequate to the wants of the Country; an order for the Establishment of Courts of Justice with a Draft of Rules for their guidance was issued on the 27th of October 1834.

2. These Rules may be said to form the basis of the present system, and together with several subsequent modifications, which, from time to time, have been deemed necessary, form the system of Judicial administration described below.

COURTS.

Their number &
description.

3. The Courts at present in existence for the administration of Civil and Criminal justice within the Mysore Territory may be classed under six heads or grades. 1st. The Talook or Amils Courts in number 85. 2nd. The Mysore and Bangalore Town Moonsiffs' Courts in number 2. 3rd. The Principal Suddur Moonsiffs' Courts in number 8. 4th. The European Superintendents Courts. 5th. The Huzoor Adawlut, a Native Court attached to the Commissioner's Office which has three Judges. 6th. The Court of the Commissioner.

CIVIL JUSTICE.

Courts of original jurisdiction.

4. Of these there are two classes. 1st. The Amil Courts. 2nd. The Town Moonsiffs.

The power vested in the Amil Court.

5. The Amils have power to decide without record all claims not exceeding Rupees 20; with a record of Proceedings suits not in excess of Rupees 100, and, when assisted by a Panchayet, all suits not exceeding Rupee 500. An appeal may be filed in the Sudur Moonsiff Courts in the 2nd and 3rd description, but not in the 1st unless when corruption or gross partiality is alleged, or when the claim involves landed property, under which circumstances the higher Courts and eventually the Commissioner may be appealed to.

The Mysore Town Moonsiff.

6. The Mysore Town Moonsiff has nearly identical power with that of an Amil in all suits regarding real or personal property, which are connected with, or may have originated within the limits of, the Town of Mysore.

The Bangalore Town Moonsiff.

7. The Bangalore Town Moonsiff, in addition to the powers of an Amildar, has authority to decide, with a record of Proceedings, all suits for real property not exceeding Rupees 500, and for personal property not exceeding Rupees 1000, and an appeal from his decision lies direct to the Superintendent of the Division, whereas in the case of the two former the appeal lies only to the Suddur Moonsiff.

8. A written Decision has to be given in all cases: whether a record of Proceedings has been kept, or not.

Courts of original jurisdiction & of appeal.

9. Of these there may be said to be two classes, 1st. The Principal Suddur Moonsiffs' Courts, and 2nd. The Courts of the European Superintendents.

The principal Suddur Moonsiff

10. The Principal Suddur Moonsiffs, of whom there are two in each Division, decide all suits in appeal from the Amils, their decision in all such appeals being

final, unless in cases of landed property, or under circumstances of corruption or gross partiality; they also decide all original suits for real property above Rupees 100 and not exceeding Rupees 1000, and for personal property above Rupees 100 and not exceeding Rupees 5000.

11. All appeals from their decisions lie to the Superintendents of Divisions, or to the Huzoor Adawlut at the option of the suitor.

12 The Moonsiffs keep a record of all proceedings, and seal, sign, and deliver to both the Plaintiff and Defendant in a suit copies of the Decree issued in the Case.

13. The Suddur Moonsiffs have, moreover, authority to try all Cases which may be referred to them by the Superintendents of their respective Divisions.

The Courts of
the European Su-
perintendents.

14. The Superintendents have authority to investigate all appeals whatsoever from the Lower Courts of their Divisions, as also all original suits involving real property in value above Rupees 1000, or personal property above Rupees 5000.

15. Under the Commissioner's special instructions the Superintendents exercise Control over the Moonsiffs, and all subordinate judicial authorities within the limits of their Divisions.

Courts of appeal

16. Of these there are two, 1st The Huzoor Adawlut. 2d The Commissioner's Court.

The Huzoor Au-
awlut.

17. This Court has power to take Cognizance of, and to pass a decision upon all appeals from the subordinate Native Courts.

18. This Court is not assisted by a Punchayet unless specially ordered by the Commissioner to convene one, but the Judges may be assembled by the Commissioner and employed by him as his assessors whenever he may deem such a course advisable.

19. This Court is not one of original jurisdiction excepting when suits are specially referred to it for investigation by the Commissioner.

The Commrs.
Court.

20. The Commissioner receives appeals from the decisions of the Superintendents and of the Huzoor Adawlut, either in appeal direct, or by simple petition thro the Furiyad Department of his office.

21. No original suits are filed in the Commissioner's Court, it is however, optional with him, to take notice, in any way he may deem fit, of any representation whatever which may be laid before him.

Circar. Lands or
Dues.

21. The Subordinate Revenue Officers, the Superintendents of Divisions and finally the Commissioner decide all disputes or suits connected with Circar or Meerasy lands or other Revenue Matters.

The extent of ju-
isdiction granted
to the Lower courts

22. The Amils, principal Moonsiffs and Superintendents are authorized to take cognizance of all suits regarding landed property, when the land lies within the limits of their prescribed Talooks, Districts, and Divisions, and of all other transactions whatsoever when the Defendant permanently resides, or the cause of action originally arose, within the said limits. No suits regarding personal property are admitted, when it is proved that no effort for its recovery has been made for a period of sixteen years.

The system of
admitting suits.

23. On a Plaintiff presenting himself at one of the Courts of original jurisdiction for the purpose of filing a suit, before a writ summoning the Defendant is issued he (Plaintiff) undergoes a vivâ voce examination in open Court. If the Judge, after hearing his statements, and inspecting his documents, is of opinion that the claim is tenable, the suit is at once filed, and numbered; but, on the contrary should the claim appear to the Judge to be vexatious or unfounded, he refuses to grant a writ, until

the Plaintiff has deposited a sum sufficient to cover the probable amount of the costs of the suit (including the fee), or until he gives good and substantial security for the same.

24. The Plaintiff is permitted the option of undergoing the examination or of making the deposit.

25. Should the Judge refuse to file the suit he must endorse his reasons for so doing, on the back of the rejected Plaintiff.

The course of
the suit, pleading,
evidence, &c.

26. The Suitor with his Plaintiff is obliged to state the number of his witnesses, and the nature of his documentary evidence, and the Defendant on being summoned is obliged to do the same in his *Answer*. The *Reply* and *Rejoinder* are then filed, when the Judge further questions both parties, and then proceeds to receive and record the evidence on both sides. The Judge is authorized to call for all such witnesses and documents in the course of the enquiry, as he may deem necessary to a right understanding of the matter at issue, but should additional evidence be called for by either Plaintiff or Defendant during the progress of the suit, the Judge does not comply with the requisition, until he has ascertained by a *vivâ voce* examination that their attendance is absolutely necessary. Should the enquiry be intricate or connected with landed property, the Amil, Moonsiff, or Superintendent, may at his option convene a Panchayet, which has under such circumstances the power to adopt the same measures as the convening authority, with a view to arriving at an equitable decision. Upon the completion of the Panchayets Mahazur, the Judge draws up a Decree in which he recapitulates concisely the original statements, the evidence on both sides, documentary and oral, the opinion of the Panchayet (if one was convened) his

reasons for adopting or differing from the same, and lastly his own opinion, or decision, with the arguments upon which it is based." The opinion of the Muftee or Pundit of the Court is also mentioned, should the Judge have considered it advisable to call for it in the course of the enquiry.

System of ap-
peals.

27. Should the losing party in a suit be disposed to file an appeal in the next Superior Court, the under-mentioned conditions must be complied with: He must, within thirty days from the date on which he has had the Decree of the Lower Court handed to him, forward to the Judge of that Court an appeal Urzee for transmission to the Higher Court—and he must procure an endorsement on it by the Judge to the effect that all costs, fees, and fines levied in his Court have been duly paid, and that substantial and reliable security for the amount decreed has also been lodged in his Court.

28. Non-compliance with any of these conditions is held as a valid reason for refusing to forward an appeal, or for its rejection in the Appeal Court, should the appeal Urzee be forwarded to the Superior Court direct.

29. Special instructions from the Commissioner alone warrant any deviation from this rule.

30. Should the grounds of appeal be corruption or gross partiality, proof of the truth of the charges must be adduced previous to any re-investigation of the case.

31. The appellant having complied with the established stipulations and his appeal having been filed in the Superior Court, the Proceedings of the original Court are sent for, on receipt of which the Respondent is called upon for an Answer (No Reply or Rejoinder are requisite in the appeal Court) and on receipt of this document the Proceedings of the original Court are carefully re-examined, and, should it be deemed

necessary for the further elucidation of the matter, to call for additional documentary, or oral evidence, the Appeal Court's power in this respect is unlimited. All available evidence having in this manner been obtained an Appeal Decree is drawn up, confirming or reversing, the decision of the lower Court, as the case may be.

32. Unless under circumstances of corruption, gross partiality, or extreme peculiarity, an appeal decision in cases of personal property is final. In cases involving landed property however, notwithstanding a concurrent opinion on the part of two Courts, a special, or extra special appeal, the former to the Superintendent or the Adawlet and the latter to the Commissioner, are admissible.

The course pursued in summoning witnesses, summon peons, Batta &c. Costs.

33. In all the subordinate Native Courts there are summon peons, who are employed in summoning defendants and witnesses, and who receive two annas batta per diem during the time they are engaged on this duty.

34. Witnesses receive according to their rank and circumstances an allowance varying from one Anna to one Rupee daily; besides travelling batta at the same rate when the distance exceeds ten miles.

35. Should the person to be summoned reside beyond the limits of the jurisdiction of the Amil, Moon-siff, or Superintendent, an application accompanied by a summons is forwarded, from each or any of these authorities respectively, to his co-ordinate authority within whose jurisdiction the person resides, requesting him to serve the summons, and direct the attendance of the individual in question.

36. Should the required individual belong to the household of the Rajah, the application for his attendance is forwarded through the Commissioner; and should he be a person of rank, and Government Servant,

he is summoned by the Superintendent on his own account, or through him on that of the Amil, or Moonsiff, but not by the two latter Authorities themselves.

37. When witnesses reside at a distance, to save them trouble and expense, lists of interrogatories are occasionally forwarded from one Court to another, and to Zillah Courts in the Company's Country, under Regulations VII of 1841. Should the list be handed in by either Plaintiff or Defendant it must meet the approval of the Judge prior to being forwarded, and he is at liberty to add any further questions he may consider it advisable to ask: the list furnished by the one party being shewn to the other in order that he may insert such cross questions as appear reasonable and proper. The answers are invariably given and recorded in open Court.

38. The money for the adjustment of expenditure on the above different accounts is deposited in the first instance by the party requiring the outlay, the whole sum paid for such purposes, by the gaining party, being subsequently charged to whoever loses the suit. The amount expended in this way being specified in the Decree under the head of Costs.

39. In Pauper suits the amount of costs is adjusted by Government.

Punchayets.

40. A list of as large a number as possible of the most respectable and intelligent inhabitants competent to perform the duties of Punchayetdars is kept in the Court of every Superintendent, Moonsiff, and Amil.

41. When the preliminary papers have been filed in a suit, from the recorded list of Punchayetdars, five persons next in rotation are (if a Punchayet is necessary) nominated by the Court. No omission or passing over is permitted, unless in cases where the next on the list is sick, or engaged on another trial.

42. The Plaintiff or Defendant may challenge three out of the five persons named. The merits of this challenge are summarily decided upon by the Head of the Court, and his decision is final.

43. No Panchayetdar can be changed after the commencement of the investigation, unless in a case of urgent necessity or sickness. Under such circumstances four members are permitted to continue the enquiry, an account of what has passed being given to the absent member when he returns. Should only three members remain to prosecute the enquiry, if it is nearly ended, and all three are unanimous in opinion, it is optional with the head of the Court to direct them to conclude the matter or to take two new members.

44. Every Panchayet sits in open Court and free access to hear the proceedings is permitted.

45. No person of bad character, or who is only a Court hanger on, i. e. not a permanent resident in the neighbourhood, is permitted to sit on any Panchayet whatever.

46. Panchayetdars are permitted to retire to a separate room to consult upon, and draw up their Mahazur. Undue influence to induce them to decide against their judgment is most strictly prohibited, although the Head of the Court, on receipt of the Mahazur, is authorized to point out any discrepancy which he may perceive in it, and is at liberty also to suggest, if requisite, that the Panchayetdars should more fully explain the reasons of their decision, or reconsider their opinion. It is optional with the Panchayetdars to adopt or reject these suggestions and in the latter case it is necessary that the Head of the Court should in his Decree mention his reasons for differing from the Panchayet in opinion.

47. Should the Plaintiff or Defendant be a foreigner

he is permitted to place a list of his own country people before the Court out of which the Judge chooses by lot two additional persons to sit on the enquiry. In such cases the Panchayet is composed of 7 members.

48. Unless in cases of glaring injustice, gross partiality, or corruption, it is not deemed advisable to set aside the opinion of the majority of a Panchayet; nor in any instance, is the opinion of the minority to form the basis of a Decree. A new trial may be ordered, but only under extraordinary circumstances.

Vakeels.

49. Professional Vakeels are not recognized by the Courts as in the Company's Country and are otherwise discouraged. In cases of necessity a Plaintiff or Defendant is at liberty to appoint some other person to conduct his suit; but such individual should if possible be a relative or friend, as the employment of persons, who gain a livelihood solely by instituting, and carrying on suits for others in the Courts, is discouraged, their services being deemed both prejudicial and superfluous under a system of simple procedure.

50. Should the Head of a Court be aware of any valid objections to the employment of an individual deputed to conduct a suit, he is at liberty to prevent him from pleading, and should any person employed as a Vakeel behave in a tricky or dishonest manner, he is prohibited from ever again practising in the Courts of this Territory.

51. Foreigners are as a matter of necessity permitted to employ strangers as Vakeels.

Declaration on oath and substitution of the solemn affirmation.

52. The declaration on oath was abolished on the 25th of March 1840, and a Circular order was issued by the Commissioner substituting in lieu of it, the solemn affirmation authorized by the Government of India in act No. V. of 1840

Fees and Fines.

53. In the matter of Fees and Fines several alterations have taken place since the first Establishment of the Commission, and there is scarcely any subject connected with the Civil procedure of the Country which has given rise to the same amount of discussion. A passing mention, therefore, of the three different systems with regard to fees and fines which have been tried within this territory since its assumption, may lead to fair inferences with regard to the working of each. Until 1834 the institution fee was enforced in all suits, and as a natural result, they were not very numerous, for only those who were well able to pay or who by the goodness of their cause were able to raise the money, applied to the Courts; it was found, however, that it prevented false litigation, or the influx of professional Vakeels, but in consequence of the authorities having come to look upon it as a tax upon justice, it was finally abolished in 1834.

54. For some time, apparently, the abolition of the institution fee, did not cause any very great difference in the number of suits; but, as soon as its discontinuance became generally known, Vakeels from the Companys Country poured in, and the Courts of justice became crowded with needy impostors, who by inciting the people to litigate, and by the institution of false, vexatious and exaggerated suits, carried on the most systematic extortion, and so swelled the files of the Courts that no increase of either the Judicial Establishments, or of activity on the part of the Judges, could keep pace with the demand, or clear the files, which in December 1837, shewed a balance of 8000 suits still pending; and, as it appeared that out of those decided at that time in the Courts 45 per cent of the claimants were non-suited, it became necessary to provide some

check to this system of vexatious, and unfounded litigation, and also to relieve if possible, this great and useless pressure upon the valuable time of the Judges. The consequence was that in 1839, a Circular was issued ordering the realization of a fee, equal in amount to the former institution fee, in all suits, which were ascertained to be vexatious or unfounded. But this arrangement not being found sufficient, on the 17th of March 1841, another set of Rules was issued, which may be said to form the present system with but very slight modifications, and which system, as the non-suits form now only a small per centage, is looked upon as working well.

55. In all suits a fee, leviable at its termination, has become an incidental expense to the bringing of an action.

56. This fee amounts to one anna in the Rupee on sums not exceeding Rupees 800, and, on sums above that amount, in a certain fixed proportion.

57. This fee is leviable on all sums claimed in excess of the amount justly due, and, as a general rule, in all cases of non-suit, or where the Defendant is cast in the full amount.

58. In cases where the parties have applied to the Courts more with the view of ascertaining their respective rights, than from a desire to litigate, the fee is remitted by the Judge.

59. An appeal court has power, on seeing good grounds for the same, to remit the fees imposed in the lower Courts.

60. A fine in addition, equal to the fee in amount, is leviable in all suits which are found to be false, vexatious, or unfounded.

61. The fee is leviable by process of execution immediately upon the judgement being passed. Should the

property of the party liable not be sufficient to realize the amount, it is held as a debt due by him to the Government, and he is not permitted to file another suit in any Court, until the amount is adjusted; but in the case of a fine, imprisonment not exceeding six Months, is given in cases of default of payment.

Delivery of decrees.

62. At the close of a suit should the Defendant fail to attend for the purpose of receiving the Decree, a notice for his attendance within ten days is forwarded to the Amildar, and if he is not to be found, the notice is affixed to the outside of his door.

63. After a month has elapsed from the date of the notice, should the Defendant not appear, the Decree is carried into effect in the usual manner.

64. All Decrees against individuals who live within the jurisdictions of the Suddur Moonsiffs are carried into effect by the Amildars under their orders: the Amildars being invariably executive Officers, excepting in the towns of Bangalore and Mysore, where the Town Moonsiffs have executive powers.

65. Suddur Moonsiffs, when the Defendants property is beyond the limits of their jurisdiction, forward the application for execution of the Decree through the Superintendent.

66. No Decree is carried into effect unless a special application to that effect is made by the Plaintiff.

67. When it becomes necessary to distrain the property of any individuals, the Amil, on being applied to, forwards a statement of the Defendants property. This statement must be duly attested by two respectable Merchants of the place. The Amil is held responsible for its accuracy, and it must contain mention of any Circar balances due by the individual; and then, should the amount not be paid within a certain time specified,

the property on a requisition from the Court is sold by public auction. The Government claim having first been made good, the balance is appropriated to the adjustment of the Decree.

68. The only articles of property exempt from distraint are the tools, or implements of the individuals trade, or calling, his wearing apparel, his drinking lotah, and, if a ryot, grain for his subsistence until the next season.

69. Concealment of property renders an individual liable to short imprisonment and the property to seizure.

70. Should it be proved in the course of an enquiry, that the defendant is disposing of, or making away with, his property clandestinely, or that he is about to remove himself beyond the jurisdiction of the Court, the Judge can oblige him to give security for the amount claimed, or, if he refuses, place him in close custody until it is given. This course of proceeding however is adopted only on most reliable proof.

71. Should the Defendant reside within the limits of the Company's Territory, the decree is carried into execution under the provisions of Act XXXIII of 1852.

Apus Panchayet

72. All parties mutually consenting to adjust any differences, (unconnected with Enamtee or Meerasee privileges) are permitted, as in ancient times, to do so through the arbitration of an Apus Panchayet of not less than 5 Members; each party nominates two Members—these four then jointly appoint their own President.

73. A Moochilka binding themselves to abide by the decision of the Panchayet is registered by the parties in the Amildar's Cutchery.

74. The Panchayetdars are authorised to summon witnesses, &c. and their Mahazur on an application

thro the Amil to the Superintendent, is looked upon by the latter in the light of a legal Decree and is acted upon accordingly.

75. An Apus Punchayet is not empowered to levy fines, fees or any penalty.

Razeenamahs.

76. Razeenamahs, or bonds of mutual compact or agreement between parties, are, when properly attested, held to be binding and valid documents in all the Courts of the Territory, and it is only under circumstances of fraud or collusion, that they are ever rejected.

Exparte Decrees.

77. Should a Defendant fail to appear within the prescribed time, and, after due notice has been given him, should be unable to assign satisfactory reasons for his absence, an exparte Decree is passed by the Court.

78. Exparte Decrees are admitted by an appellate Court within the prescribed period on the appellant proving to the satisfaction of that Court, that his default or absence from the lower Court, was unavoidable, and not wilful; and should such proof be accepted, the proceedings are returned to the lower Court for re-investigation; should it be rejected, a fine is levied not exceeding double the amount of the Fee imposed in the lower Court.

Original Documents.

79. Original documents are not as a rule restored to parties filing them in the Courts. When necessary to them as references authenticated copies are given, and on the final adjustment of a claim, his original documents are, occasionally, by special sanction of the Commissioner restored to the party gaining the suit.

Interest.

80. With the exception of orders limiting the rate of interest which a Decree could award to 12 per Cent in money dealings, and to 24 per Cent in grain transactions, and also directing that a total of interest greater in amount than the original loan, should not under

any circumstances be awarded, interest is a matter, which had to a great extent been left to self adjustment in the Mysore Territory, until lately, when circumstances induced the Commissioner to order that in all future transactions, in which the rate of interest is not distinctly laid down, the Courts are not to award a higher rate than six per Cent; but that, where the rate of interest is expressly noted in the bond, the Judge is to draw up his award in conformity with the agreement.

Language of the Courts.

81. The language of all judicial proceedings and decisions in this Country is Canarese, but, should the vernacular language of any officer who is Head of a Court be other than Canarese, he is bound to write his decision, or any particular points regarding which he has to call for proof, in his own language, and these papers having been translated into Canarese, a Copy of both the original and the translation are placed on record.

82. Should any Head of a Court, however be sufficiently conversant with Canarese to use it instead of his own language, he is at liberty to do so.

The estates of Minors, insolvents, and Intestates, how disposed of.

83. In the Case of a Minor the amount to which he is heir, is placed in deposit in the Treasury, the greater portion being as a general rule invested in Company's Paper, until such time as he shall attain his majority, which is fixed at 18 years of age in Mysore; and during the interim he is placed under a respectable relation or some trustworthy person, and a suitable allowance is made out of his property for his education and subsistence.

84. Should there be a large amount due to the minors estate, a Curator is appointed whose only duty it is to recover the several sums due and remit them to the Treasury. He receives on all sums realized a Commission of 5 per cent.

85. In the case of insolvents who have a large amount of debts to pay, and receive, the usual course is to assemble a PUNCHAYET in the Commissioner's Court which under his special instructions, investigates the affairs of the Estate, and submits a statement and opinion on the matter.

86. In some instances the Adawlut settles such matters under instructions from the Commissioner.

87. In the case of Intestates also a PUNCHAYET is sometimes convened. Should there be no heir, and money have to be paid and received, a Curator is appointed; should there be no heir, and no Creditors, the amount of which the intestate died actually possessed is transferred to the Sivayee Jummah; and should there be an heir, as soon as he has proved his right, to the satisfaction of the Commissioner, the property is transferred to him; if he is a Minor the usual course is pursued.

The Barr and
Sowar.

88. No individual of the Barr and Sowar Departments, which are under the Control of the Military Assistant, can be summoned to attend a Civil Court unless through that Officer, nor can any Decree against them be executed without a previous application to him.

Police Superin-
tendent.

89. The Police Superintendent has power to adjudicate in all suits originating within the limits of the Cantonment of Bangalore which do not exceed Pagodas 500 or Rupees 1750.

90. His decisions are summary, and he is not obliged to keep a record of Proceedings unless in cases of landed or house property.

91. He may assemble a PUNCHAYET in any case in which he may deem it advisable.

92. An appeal from his decision lies direct to the Commissioner in cases of landed property, but he is not required to transmit appeals in suits regarding personal

property. The Commissioner can, however, take cognizance of any case whatever in which he may deem it just and right to interfere.

The Rajah.

93. Suits against His Highness the Rajah are filed in the Adawlut Court under the immediate sanction of the Commissioner.

Stamp Paper Rules.

94. With a view to prevent if possible the production of forged documents in suits, or Commercial transactions, new Stamp Paper Regulations were issued in February 1835. In them it was directed that in all future transactions, the Bonds, Bills of Sale, Agreements Transfers, Deeds, and other documents, should be executed on Stamped Paper of a fixed value.

95. Any unstamped document presented in a suit is received and filed, but only on payment of a sum equal to ten times the amount of stamp duty originally leviable upon it.

Vakeel Fees.

96. No suits for the recovery of Vakeel fees are permitted to be filed in the Mysore Courts.

CRIMINAL JUSTICE,

97. The Courts for the administration of Civil and Criminal Justice are identical; a recapitulation of their number and description as previously set forth, is consequently unnecessary.

The Amildar.

98. The Amildar is head of the Police in his Talook, and to assist him in Revenue and Magisterial business, he has under his orders a Paishcar, a Killadar, Shaikdars, Hoblydar, Duffadars and Candachar Peons; of these the Killadar and Hoblydar only are exclusively Police Officers.

99. In cases of personal wrong, or for petty offences, the Amildar has power to confine an individual in the stocks for not more than 12 hours, or to confine a per-

son, not in the stocks or in irons, for not more than fourteen days.

100. Unless in cases of open violence, however, the Amildar is not authorized to interfere except at the instance of a complainant.

101. The Amildar cannot keep any person in confinement pending investigation for a longer period than seven days without a reference to the Superintendent.

Shaikdars and
Hoblydars.

102. The Shaikdars and Hoblydars have authority to confine, for not more than 24 hours, any persons suspected of heinous crimes, such as Murder, Burglary, Gang, Torch, or Highway robberies: within that time they must make such enquiries as will enable them to release the parties or report to the Amildar for orders, and they are held strictly responsible for any abuse of this authority. Should a longer detention appear necessary, they must either send the Prisoner and witnesses to the Amildar, or forward to that officer a statement of the circumstances for his orders.

Tulwars and Toties

103. All offences or unusual occurrences are regularly reported by the Tulwars and Toties of Villages, as also by the Killadars and Candachar officers to the Amildar and by him to the Superintendent.

Killadar.

104. It is the peculiar duty of the Killadar and, under his orders, of the subordinate Police Officers to search for information, and place it before the Panchayet in all Talook enquiries.

The Principal
Sudder Moonsiffs.

105. The Principal Sudder Moonsiffs have power to punish to the extent of two years imprisonment, with or without hard labour, in all cases referred to them for investigation and decision by the Superintendent, but they have no *original* jurisdiction in criminal matters.

The Superintendent.

106. The Superintendent has power to sentence to seven years imprisonment with or without hard labour

in Irons ; he reviews all cases enquired into by Amildars or decided by Moonsiffs, and commutes or confirms the decisions of the latter.

107. In cases of murder, gang, or torch robbery, or other offences which involve capital punishment or a term of imprisonment in excess of his powers, the Superintendent refers the matter for the decision of the Commissioner.

The Commission-
ner.

108. The Commissioner has power to pass sentence of death, transportation for life, or imprisonment with or without hard labour, on parties convicted of murder, or of gang or torch robbery, when the latter crimes are attended with torture or other aggravated circumstances, or when from the frequent occurrence of such crimes he may consider an example advisable. All sentences of death require to be submitted to the Supreme Government for confirmation.

The Adawlut
Court.

109. In criminal matters the Adawlut Court has no jurisdiction unless when cases are referred to it for investigation by the Commissioner.

Corporal pun-
ishment, and

110. In the case of boys found guilty of slight offences when the age does not exceed sixteen years, corporal punishment, in the form of school discipline to the extent of thirty strokes of a cane, is administered by order of the Superintendent.

111. All other Cases coming under the head of Theft or Robbery are punished with hard labour in irons for a period proportionate to the nature of the crime.

112. Females are never under any circumstances subject to corporal punishment.

Course of pro-
ceeding.

113. In cases of murder, or when a body is found under suspicious circumstances, the Paishcar or Killadar, if they are in the neighbourhood, or if they are not, the

Shaikdar at once assembles a PUNCHAYET, when a careful examination of the body is made, and if the PUNCHAYET give it as their opinion that it is only a Case of accidental, or sudden death, unattended with suspicious circumstances, after a report has been made to the Amildar, or after an order has been given by the Paishcar or Killadar, if either is present, the body is buried, but no Subordinate Police Officer can order its interment. Should suspicion attach to the Case, the PUNCHAYET examine the body, they note any apparent marks of violence, and the probable means by which life was destroyed. They next enquire into all circumstances which may throw any light upon the matter, such as the habits, connections, circumstances, associates, mode of life &c., of the deceased, and should suspicion attach to any individual the proper researches are made to fix the guilt upon him or to clear him of the crime. This preliminary investigation, which is made with all practicable speed, hardly ever fails in eliciting the true facts of the case.

113. All suspected parties are then, if the circumstances warrant it, taken up, and together with the necessary witnesses are assembled at the Amildar's Cutcherry, where that Officer with the assistance of another PUNCHAYET makes a second full, but concise investigation, and then forwards the whole of the Proceedings, Prisoners, evidence, &c., together with the opinions of the PUNCHAYETS and himself to the Superintendent for orders.

114. The charges are read to the Prisoner or Prisoners, both in the Amildars and Superintendents Courts, and it is optional with him to plead "guilty" or "not guilty." A Prisoner is permitted to call for any witnesses or evidence, which he may think it desirable to bring forward in support of his defence.

115. In cases of Gang, Torch, or any other description of robbery, the nearest public servant enquires into the time place and circumstances attendant on the robbery; he examines at once any traces of the thieves which remain; he finds out who saw them, what caste, or description of men they were, what arms they used (if they had any), what kind of property they stole, the value of it, as also any other particulars of which the parties robbed or their neighbours may be aware; and when the Panchayet is convened by the proper authority he lays all these circumstances, before them.

116. If neither the Amildar nor Paishcar is in the immediate neighbourhood when a robbery takes place, or if they are unable to attend, the Shaikdar can carry on the investigations above set forth: but he must report progress minutely to the Amildar. Under such circumstances the Shaikdar can take up parties to whom suspicion attaches, and summon witnesses, but he cannot retain any one in custody longer than 24 hours, without the Amildar's sanction.

117. In all serious cases, the Amildar when he believes the charge to be true is obliged to forward the suspected parties together with his preliminary investigation to the Superintendent within seven days.

118. On the receipt of a serious case from the Amildar, the Superintendent either at once commences the investigation of it himself, or refers it to the Moonsiff: in either case a Panchayet is assembled, when the original proceedings together with the opinions of the Amildar, and the two Talook Panchayets, are brought under review: any further evidence that may be considered requisite is then called for, after which the Superintendents or Moonsiffs Panchayet draw up their Mahazur, and upon a review of the whole the Superintendent passes his

sentence in the matter making a record of any remarks which he may wish to offer in English, or refers the matter to the Commissioner for his decision.

119. If the Superintendent, on the review of a case decided by the Moonsiff, wishes to alter or commute the sentence he must re-investigate the matter himself de novo; or if he prefers it he can refer the matter back again to the Moonsiff for that officer's reconsideration.

120. The Commissioner, on a Criminal case being referred for his decision, after a careful perusal of the proceedings, either passes sentence himself, or in minor cases directs the Superintendent to do so.

121. Panchayets for Civil and Criminal investigations are summoned in the same manner, and a Prisoner has the same permission to challenge as a Plaintiff or Defendant. There is this difference, however, that no criminal investigation is permitted to be carried on without a Panchayet, whereas in Civil cases it is optional with the Head of the Court to convene one, or not, as he thinks desirable.

Panchayet.

122. Under this head, Magistrates and district Police Officers under the orders of the Magistrate are permitted to apprehend and place in confinement, persons of notoriously bad character, or whose habits of life are suspicious, until they can give good and reliable security for their future good conduct.

Vagrants.

123. To prevent undue oppression on the part of subordinate Police authorities under the pretence of carrying out the provisions of this order, every individual apprehended under its authority is forwarded to the Superintendent, or his Assistant, for examination, and can only be confined, or punished under the express orders of the former, and no individual taken up under the provisions of this Regulation can be confined for a longer period than three years.

Property of prisoners and stolen property.

124. Convicted Robbers are held responsible for the property stolen by them, and when they fail to restore it their own property is seized to make the value good. In other cases an increased term of imprisonment is awarded, which extended period is, however, remitted should the prisoner subsequently give such information as leads to the recovery of the property.

Seizure of Criminals beyond the frontier.

125. The surrender of fugitive criminals is reciprocal, but they are not delivered up without a warrant, either on this, or on the other side of the frontier, unless upon a Hue and Cry, and even then the sanction of the Talook authorities in whose jurisdiction the man is taken, is requisite, to justify his detention, and the issue of a warrant for the apprehension of an individual beyond the frontier, is, invariably, reported to the Magistrate within the limits of whose District the man is supposed to be.

Solemn Affirmation.

126. All witnesses on criminal investigations are required to make the prescribed solemn affirmation.

Inhabitants of Villages to defend themselves.

127. Villagers are authorized and encouraged to use arms of every description in defending themselves and their property whenever their village is attacked by either gang or torch robbers, and valuable bangles are invariably bestowed by the Government on those who distinguish themselves on these occasions.

Embezzlement.

128. Public servants in gross cases of bribery, embezzlement, or connivance at fraud, robbery, &c are liable to be fined in double the amount made away with: and in addition they may be imprisoned with, or without, hard labour, for such time as may be deemed suitable to the offence.

Police Superintendent.

129. The Police Superintendent of the Bangalore Cantonment has authority to punish with, or without, hard labor to the extent of seven years and to the extent

of Rupees 50 by fine. The Commissioner, however, has power to commute, or remit, any punishment awarded by that officer. In cases involving a punishment in excess of seven years imprisonment, the Police Superintendent refers the case to the Commissioner.

Lumbanias,
Koormurs & Wad-
ders.

130. These three Castes, but more particularly the two former, may be looked upon as the professional thieves of this part of India. They are in fact, thieves not only by inclination, but also by descent; it is their hereditary trade or calling, and until within the last few years their nominal occupations were but exercised as a cloak or means to the better carrying out of their thievish plans and propensities. With a view therefore to provide for the evils attendant upon the existence of such classes, Regulations have been established which have been found to diminish to a considerable extent the irregularities attendant on their presence.

131. The Naiks of the Lumbanias, and the Head men of the other two classes throughout this Country, have been obliged to furnish good and reliable security for the future good conduct of their Tandass in the case of the former, and of those under their immediate control in the case of the latter.

132. The different classes are considered to be permanently under the surveillance of the District Police, and all their movements or changes of abode are watched, noted, and reported.

133. A Register shewing the name and dwelling place of each individual of the different tribes is kept up in each Talook Cutcherry, copies of which are forwarded regularly to the Superintendent of the Divisions.

Fines.

134. In Civil Cases for contempt of Court, and in Criminal Cases for petty, or other offences for which imprisonment in the Common Jail would scarcely be a

suitable punishment, Courts have power to fine to the following extent.

	<i>Rupees.</i>
Amils and Mysore Town Moonsiff, not above	7
Bangalore Town Moonsiff. Do.	10
Suddur Moonsiffs Do.	15
Superintendents. Do.	30

The Huzoor Adawlut in any sum it may deem correct subject to the approval of the Commissioner.

APPENDIX I.

FEEES AND FINES.

There are no correct returns from which it would be practicable to shew the number of suits pending, or in course of adjustment at any date previous to the 10th of September 1834, on which date Fees were entirely abolished.

Suits pending at the end of 1835—	3299
Do. Do.	1838—6586
Do. Do.	1840—2475
Do. Do.	1847—1880
Do. Do.	1854—3875

A reference to the table in the margin will shew the extent to which litigation increased from the time of the entire abolition of Fees up to the year 1839, on the 5th of March of which year, an order for the recovery of a Fee equal in amount to the former institution Fee was ordered to be levied in all cases of fraud, or falsehood.

Per centage of non-suits in 1840	
Suits decided in favor of Plaintiffs—	2637
Do. Do. Defendants—	2013
Per centage of non-suits	43

As it soon became evident that the order referred to in the preceding paragraph was not sufficiently effective, an order sanctioned in the first instance by the Government of India, and at a subsequent date by the Home Authorities, was promulgated on the 22nd of March 1841. The tables for 1839 and 1840 given in the margin, which shew such an immense per centage of non-suits, and prove so plainly that at least three fifths of the claims filed must have been false and groundless, that the necessity for the order of March 1841 will at once be apparent.

Per centage of non-suits in 1839	
Suits decided in favor of Plaintiffs—	3070
Do. Do. Defendants—	3730
Per centage of non-suits	54

Per centage of non-suits in 1854	
Suits decided in favor of Plaintiffs—	6451
Do. Do. Defendants—	1505
Per centage of non-suits	18
Per centage of non-suits in 1847	
Suits decided in favor of Plaintiffs—	3960
Do. Do. Defendants—	778
Per centage of non-suits	16

The effect of this order which made the payment of a fee at the termination of a suit, an expense contingent upon a non-suit or an exaggerated claim, became at once apparent, as will be seen from the tables in the margin, which give the number of suits and non-suits, and the proportional per-centage of the one to the other at each subsequent interval of seven years.

A comparison of the table of 1854 with that of 1838 will at once shew how well the rules of 1841 have worked, for they prove that the realization of the fee has not checked what may be called legitimate litigation, for the aggregate number of suits filed, is not much less in 1854 than it was in 1838, whereas the difference in the number of non-suits between the one period and the other actually amounts to 36 per cent. The per centage of non-suits for the past year being no more than 18 per cent as compared with 54 per cent for 1838.

APPENDIX II.

CRIMINAL CASES.

Gang and Torch Robberies reported.

In 1832.....	100
Do. 1833.....	197
Do. 1834.....	223
Do. 1835.....	125

There are no accurate returns for 1832, 1833 and 1834, and those for 1835 only commence from April of that year. The table in the margin will however, shew the numbers of Gang and Torch robberies which were reported as having been committed during the three former years as also for the whole of 1835.

The accompanying table exhibits the annual number of crimes committed according to the returns within the Mysore Territory, it will be seen that Cattle Stealing has not been entered in the returns as a separate item until 1848.

TABLE OF CRIMINAL CASES IN MYSORE.

Years.	Murder.	Manslaughter.	Gang and Torch Robbery.	Highway Robbery.	Burglary.	Cattle Stealing.	Theft.	Forgery.	Perjury.	Other Offences.	Grand Total.	REMARKS.	No. of Gang and Torch Robberies Reported.
1835	50	20	71	24	6	0	867	0	0	1806	2845		125
1836	75	20	79	27	22	0	1126	7	4	3044	4404		79
1837	51	9	109	45	42	0	1977	10	7	4506	6756		109
1838	49	2	52	40	47	0	1484	7	2	3457	5150		62
1839	30	3	56	34	33	0	1733	10	1	3557	5458		57
1840	27	2	37	25	26	0	1154	11	8	3812	5102		49
1841	30	2	29	26	25	0	970	13	6	3851	4992		41
1842	39	8	25	36	34	0	829	7	0	4349	5321		48
1843	39	1	23	23	42	0	1218	6	3	4874	6229		42
1844	39	4	26	19	47	0	1316	13	10	5715	7189		20
1845	27	7	23	24	40	0	1771	4	9	6372	8282		30
1846	28	3	28	42	42	0	2106	5	8	6013	8275		27
1847	34	2	26	31	54	0	1824	18	4	5706	7699		23
1848	36	10	25	25	111	160	1568	13	8	6105	8061	A very bad Season.	44
1849	31	3	20	41	106	244	1529	28	9	6779	8790		41
1850	27	11	23	31	114	244	1480	19	2	7259	9210		32
1851	24	12	13	29	110	256	1379	17	4	7672	9316		30
1852	23	9	21	29	146	213	1255	23	10	8220	9931		31
1853	29	6	15	26	133	164	1444	20	5	8299	10141		39
1854	25	14	43	34	147	319	1801	25	14	8738	11160	A very bad Season.	59

The number of Gang and Torch robberies reported each year is, as a general rule, though not always, slightly in excess of the numbers set forth in the body of the above table; the reason for which discrepancy is that only those cases in which the robbers have been traced or apprehended are entered in the body of the table given above, as also that first reports are so constantly grossly exaggerated.

From a glance at the above figures it would appear that crime has been considerably on the increase of late years though such is not actually the case. For many years the returns were extremely inaccurate, and incomplete, petty offences were scarcely considered worthy of remark or comment, and the police were not in the same state of efficiency which exists at present. The diminution in the number of Gang and Torch robberies, and the paucity of Highway robberies, excepting in years of scarcity, or uneasiness in the adjoining districts, are facts which bear out the above conclusions. The Subordinate Police and Revenue Officers have under a strict and exacting Government become more watchful and more active in the performance of their duties, and to this may be attributed in a very great measure the increase in the number of reported Miscellaneous and Minor Offences.