Brought from the Lords, 16 June 1853.

FIRST REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED TO INQUIRE INTO

The Operation of the Act 3 & 4 Will. 4, c. 85, for the better Government of Her Majesty's INDIAN TERRITORIES; and to report their Observations thereon to The House; and to whom leave was given to report from time to time to The House; and to whom were referred several Petitions, Papers and Documents, relative to the subject-matter of the Inquiry;

TOGETHER WITH THE MINUTES OF EVIDENCE,

AND APPENDIX.

Session 1852–3.

Ordered, by The House of Commons, *to be Printed,*
16 *June* 1853.

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NAMES OF THE LORDS PRESENT AT EACH SITTING OF THE COMMITTEE

Die Veneris, 19° *Novembris* 1852.

The Lord Privy Seal.	Lord Colville of Culross.
Marquess of Tweeddale.	Lord Wodehouse.
The Lord Steward.	Lord Colchester.
Earl of Albemarle.	Lord Somerhill.
Earl of Powis.	Lord Ashburton.
Viscount Canning.	Lord Stanley of Alderley.
Viscount Gough.	Lord Monteagle of Brandon
Lord Bishop of Oxford.	Lord Broughton.

Die Martis, 23° *Novembris* 1852.

The Lord Privy Seal.	Lord Colchester.
Marquess of Tweeddale.	Lord Wharncliffe.
Earl of Albemarle.	Lord Wynford.
Earl of Ellenborough.	Lord Panmure.
Viscount Gough.	Lord Ashburton.
Lord Bishop of Oxford.	Lord Stanley of Alderley.
Lord Elphinstone.	Lord Broughton.
Lord Sundridge.	Viscount Canning.
Lord Wodehouse.	

Die Jovis, 25° *Novembris* 1852.

The Lord Privy Seal.	Lord Colville of Culross.
Earl Granville.	Lord Wodehouse.
Earl of Ellenborough.	Lord Colchester.
Viscount Canning.	Lord Wharncliffe.
Viscount Gough.	Lord Ashburton.
Lord Bishop of Oxford.	Lord Stanley of Alderley.
Lord Elphinstone.	

Die Martis, 30° *Novembris* 1852.

The Lord Privy Seal.	Viscount Gough.
The Lord Steward.	Lord Bishop of Oxford.
Earl of Albemarle.	Lord Elphinstone.
Earl of Powis.	Lord Wodehouse.
Earl Granville.	Lord Colchester.
Earl of Ellenborough.	Lord Wharncliffe.
Viscount Canning.	Lord Ashburton.

Die Jovis, 2° *Decembris* 1852.

The Lord Privy Seal.	Viscount Gough.
Marquess of Tweeddale.	Lord Elphinstone.
The Lord Steward.	Lord Colville of Culross.
Earl Granville.	Lord Colchester.
Earl of Ellenborough.	Lord Wharncliffe.
Viscount Canning.	

Die Veneris, 3° *Decembris* 1852.

The Lord Privy Seal.	Lord Elphinstone.
Marquess of Tweeddale.	Lord Wodehouse.
Earl of Albemarle.	Lord Colchester.
Earl Granville.	Lord Ashburton.
Viscount Canning.	Lord Monteagle of Brandon.

NAMES OF THE LORDS PRESENT AT EACH SITTING OF THE COMMITTEE—*continued.*

Die Jovis, 9° Decembris 1852.

The Lord Privy Seal.
The Lord Steward.
Earl Granville.
Viscount Gough.
Lord Elphinstone.
Lord Colchester.

Die Martis, 1° Martii 1853.

The Lord President.
Marquess of Salisbury.
Earl Graham.
Earl of Harrowby.
Earl of Ellenborough.
Viscount Canning.
Lord Elphinstone.
Lord Colchester.
Lord Wharncliffe.
Lord Wynford.
Lord Glenelg.
Lord Monteagle of Brandon.
Lord Broughton.

Die Jovis, 3° Martii 1853.

The Lord President.
Marquess of Salisbury.
Earl of Albemarle.
Earl of Powis.
Earl of Harrowby.
Earl of Ellenborough.
Lord Colchester.
Lord Wynford.
Lord Stanley of Alderley.
Lord Broughton.

Die Martis, 8° Martii 1853.

The Lord President.
Marquess of Salisbury.
Earl of Albemarle.
Earl Graham.
Earl Powis.
Earl of Ellenborough.
Viscount Canning.
Viscount Hardinge.
Viscount Gough.
Lord Elphinstone.
Lord Colchester.
Lord Wharncliffe.
Lord Wynford.
Lord Ashburton.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.
Lord Broughton.

Die Jovis, 10° Martii 1853.

The Lord President.
Marquess of Tweeddale.
Earl Graham.
Earl of Powis.
Earl of Ellenborough.
Viscount Canning.
Viscount Gough.
Lord Elphinstone.
Lord Colville of Culross.
Lord Colchester.
Lord Wharncliffe.
Lord Wynford.
Lord Ashburton.
Lord Glenelg.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.
Lord Broughton.

Die Martis, 15° Martii 1853.

The Lord President.
The Lord Privy Seal.
Marquess of Tweeddale.
Marquess of Salisbury.
Earl of Albemarle.
Earl of Harrowby.
Earl of Ellenborough.
Viscount Hardinge.
Viscount Gough.
Lord Elphinstone.
Lord Colville of Culross.
Lord Colchester.
Lord Somerhill.
Lord Wharncliffe.
Lord Wynford.
Lord Ashburton.
Lord Monteagle of Brandon.
Lord Broughton.

Die Jovis, 17° Martii 1853.

The Lord President.
The Lord Privy Seal.
Marquess of Tweeddale.
Marquess of Salisbury.
Earl of Albemarle.
Earl Graham.
Earl of Harrowby.
Earl of Ellenborough.
Viscount Gough.
Lord Elphinstone.
Lord Mont Eagle.
Lord Colchester.
Lord Wharncliffe.
Lord Wynford.
Lord Glenelg.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.
Lord Broughton.

NAMES OF THE LORDS PRESENT AT EACH SITTING OF THE COMMITTEE—*continued.*

Die Veneris, 18° *Martii* 1853.

The Lord President.	Lord Colchester.
The Lord Privy Seal.	Lord Wharncliffe.
Earl Graham.	Lord Wynford.
Earl of Harrowby.	Lord Glenelg.
Earl of Ellenborough.	Lord Stanley of Alderley.
Viscount Gough.	Lord Monteagle of Brandon.
Lord Elphinstone.	Lord Broughton.
Lord Mont Eagle.	

Die Martis, 5° *Aprilis* 1853.

The Lord President.	Lord Mont Eagle.
The Lord Privy Seal.	Lord Wynford.
Earl of Albemarle.	Lord Ashburton.
Earl of Ellenborough.	Lord Stanley of Alderley.
Lord Elphinstone.	Lord Monteagle of Brandon.
Lord Colville of Culross.	Lord Broughton.

Die Veneris, 8° *Aprilis* 1853.

The Lord President.	Lord Wharncliffe.
The Lord Privy Seal.	Lord Wynford.
Earl of Ellenborough.	Lord Stanley of Alderley.
Lord Elphinstone.	Lord Monteagle of Brandon.
Lord Colville of Culross.	Lord Broughton.
Lord Mont Eagle.	

Die Martis, 12° *Aprilis* 1853.

Marquess of Salisbury.	Lord Colchester.
Earl of Albemarle.	Lord Wharncliffe.
Earl of Harrowby.	Lord Wynford.
Earl of Ellenborough.	Lord Ashburton.
Lord Elphinstone.	Lord Monteagle of Brandon.
Lord Colville of Culross.	Lord Broughton.
Lord Mont Eagle.	

Die Jovis, 14° *Aprilis* 1853.

The Lord President.	Lord Colchester.
Earl of Albemarle.	Lord Wharncliffe.
Earl of Harrowby.	Lord Wynford.
Earl of Ellenborough.	Lord Stanley of Alderley.
Viscount Canning.	Lord Monteagle of Brandon.
Lord Elphinstone.	Lord Broughton.
Lord Mont Eagle.	

Die Veneris, 15° *Aprilis* 1853.

Earl of Harrowby.	Lord Wharncliffe.
Earl of Ellenborough.	Lord Wynford.
Lord Elphinstone.	Lord Ashburton.
Lord Colville of Culross.	Lord Stanley of Alderley.
Lord Mont Eagle.	Lord Monteagle of Brandon.
Lord Colchester.	Lord Broughton.

Die Martis, 19° *Aprilis* 1853.

The Lord President.	Lord Mont Eagle.
Marquess of Salisbury.	Lord Colchester.
Earl of Albemarle.	Lord Wharncliffe.
Earl of Harrowby.	Lord Ashburton.
Earl of Ellenborough.	Lord Stanley of Alderley.
Lord Bishop of Oxford.	Lord Monteagle of Brandon.
Lord Elphinstone.	Lord Broughton.

NAMES OF THE LORDS PRESENT AT EACH SITTING OF THE COMMITTEE—*continued.*

Die Jovis, 21° *Aprilis* 1853.

The Lord President.
Marquess of Salisbury.
Earl of Harrowby.
Earl of Ellenborough.
Lord Bishop of Oxford.
Lord Elphinstone.
Lord Colville of Culross.
Lord Colchester.
Lord Somerhill.
Lord Wharncliffe.
Lord Wynford.
Lord Ashburton.
Lord Stanley of Alderley.
Lord Broughton.

Die Martis, 26° *Aprilis* 1853.

The Lord President.
Earl of Harrowby.
Earl of Ellenborough.
Lord Elphinstone.
Lord Wodehouse.
Lord Mont Eagle.
Lord Colchester.
Lord Wharncliffe.
Lord Wynford.
Lord Ashburton.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.
Lord Broughton.

Die Jovis, 28° *Aprilis* 1853.

The Lord President.
Earl of Harrowby.
Earl of Ellenborough.
Lord Bishop of Oxford.
Lord Elphinstone.
Lord Mont Eagle.
Lord Colchester.
Lord Somerhill.
Lord Wharncliffe.
Lord Wynford.
Lord Ashburton.
Lord Glenelg.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.
Lord Broughton.

Die Martis, 3° *Maii* 1853.

The Lord President.
The Lord Privy Seal.
Marquess of Salisbury.
Earl of Harrowby.
Earl of Ellenborough.
Lord Elphinstone.
Lord Wodehouse.
Lord Colchester.
Lord Somerhill.
Lord Wharncliffe.
Lord Wynford.
Lord Monteagle of Brandon.
Lord Broughton.

Die Jovis, 5° *Maii* 1853.

The Lord President.
Earl of Albemarle.
Earl of Harrowby.
Earl of Ellenborough.
Lord Elphinstone.
Lord Mont Eagle.
Lord Wharncliffe.
Lord Wynford.
Lord Stanley of Alderley.
Lord Broughton.

Die Martis, 10° *Maii* 1853.

The Lord President.
Earl of Harrowby.
Earl of Stradbroke.
Earl of Ellenborough.
Lord Elphinstone.
Lord Mont Eagle.
Lord Colchester.
Lord Wharncliffe.
Lord Wynford.
Lord Glenelg.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.

REPORT.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE to inquire into the Operation of the Act 3 & 4 Will. 4, c. 85, for the better Government of Her Majesty's INDIAN TERRITORIES, and to report their Observations thereon to the House; and to whom leave was given to report from time to time to the House; and to whom were referred several Petitions, Papers and Documents relative to the subject-matter of the Inquiry:—

ORDERED TO REPORT,

THAT the Committee have met and considered the subject-matter referred to them, and have examined several Witnesses in relation to the Military, Naval and Judicial heads of their Inquiry; and have directed the MINUTES of EVIDENCE taken before them on these heads, together with an APPENDIX and INDEX thereto, to be laid before your Lordships.

12th May 1853.

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APPENDIX.

APPENDIX A.

(Referred to in the Evidence of DAVID HILL, Esquire, Question 2258, p. 229)

To the GOVERNOR-GENERAL in Council.

Appendix A.

Para. 1. IN compliance with our desire, you have transmitted with your Judicial Letter of the 9th July (No. 14) 1852, the Report of the Bengal Sudder Court, on the working of the new Rules of Practice for the settlement of the issues in cases appealed to that Court.

2. We observe that the majority of the Judges are of opinion that those Rules have been acted upon without difficulty. In that opinion, however, Mr. Jackson does not entirely concur; in particular, he apprehends that the new Rules have led to an increased admission of technical pleas, not affecting the real merits of the question in dispute; and we find that on a subsequent occasion (26th August 1852) he is inclined to attribute the increased number of Reversals by the Sudder Dewanny Adawlut in Appeals from the Lower Courts to the same cause, pointing out that in 1848 the Affirmations had been to the Reversals in the proportion of four to three; whereas in 1851 they were in that of one to two.

3. This, as you cannot but be aware, is a point to which the attention of the Legislature, and of the highest judicial authorities in this country, has recently been directed, and regarding which extensive improvements are in the course of being introduced. In the state of society in India, and with reference to the agency available for the administration of justice, it is obvious that a cheap, simple and expeditious system of judicature is especially necessary in that country. We are very desirous that the best means of effecting this object should engage your early and deliberate consideration.

4. The observance of prescribed forms and technical rules is highly important, in order that the course of procedure may be definite and regular, as well as the law itself; but such forms and rules are only means towards an end, and care must be taken that they are not so scrupulously attended to as to defeat the end, which is substantial justice. In Courts of Original Jurisdiction, the regular course of procedure may in general be strictly enforced, as it is specially adapted to promote the discovery of truth, and is not then the occasion either of expense or of delay; any neglect in this respect, when it falls under the notice of a higher tribunal, ought to be pointed out as a failure of duty calling for animadversion. But the case is otherwise in Courts of Appeal, and most of all in the Appellate Court in the last resort. The deviation from a prescribed form or technical rule in an early stage of the trial seldom admits of being rectified on appeal, except by quashing the whole course of previous proceedings. Besides the expense and delay thus inflicted upon the parties, it must frequently happen, from the death or absence of witnesses, or from the dexterous frauds of dishonest suitors, that the real merits of the case are less easy to be ascertained on the second trial than they were on the first.

5. In looking into the Reports of recent decisions by the Sudder Courts of the several Presidencies, we have been struck with the large proportion of cases, not only reversed, but remanded for trial *de novo*; this result has been arrived at even after a second appeal to the Sudder Court, and in many instances when the amounts at issue falls far short of the costs to be incurred: it generally originates in some technical defect or error. For the reasons which we have explained, we are of opinion that a decision which is substantially right ought not, on appeal, to be disturbed on technical grounds. This reasonable mode of administering justice would leave it open to the Appellate Court to point out whatever errors of procedure the Court of Original Jurisdiction may have fallen into, and to lay down Rules for future guidance; while it would at the same time save suitors from the hardship of being visited with a heavy penalty for the mistakes and oversights of the tribunals to which the law obliges them to resort for justice.

6. We desire that the Rules of Procedure in the various Courts, Original and Appellate, may be carefully revised, with the view of simplifying the administration of justice, and thereby rendering it less expensive and less dilatory, and of converting it, as far as possible, into the practical means of redressing wrongs, instead of being, as it is liable to become, a mere exercise of controversial skill. You will have to consider whether the object will be best attained by the appointment of a Special Commission for the purpose, by referring it to the Sudder Courts at the several Presidencies, or by such other mode as may appear to you advisable; but we desire particularly to impress upon you that no time should be lost in dealing with the subject, which appears to us one of the greatest importance.

APPENDIX B.

PAPERS delivered in by Mr. MILLETT, Question 2350, page 235.

STATEMENT of COSTS in SUITS for MONEY-CLAIM not exceeding 300 Rupees, which a

Number of the Sudder Court.	Number of the Moonsiff's Court	NAMES OF PARTIES.	Amount of Money-Claim not exceeding 300 Rupees, which Moonsiffs are competent to decide.	Total Costs of Moonsiff's Court in Suits decided Ex parte.	Total Costs of Moonsiff's Court in Suits decided upon Attendance of both Parties.
			Rs a. p.	Rs. a. p.	Rs. a. p.
70 of 1844 -	391 of 1841 -	Petumber Dutt - - - - - - - Plaintiff v Ramjewun Dutt - - - - - - - Defendant	104 8 - Loan	15 10 4	20 14 8
225 of 1849 -	2,338 - - / 52 - -	Seebsunker Seu - - - - - - - Plaintiff v. Rammohun Sirma, &c. - - - - - Defendants	213 5 4 Loan	*49 12 - / †28 8 4	42 - 1
198 of 1846 -	4,014 - -	Kashee Pershad - - - - - - - Plaintiff v. Moorut Singh - - - - - - - Defendant	276 1 6	31 10 9	36 15 6

* Under particular circumstances of difficulty.
† No difficulty, as above, of serving Notices.

STATEMENT of COSTS in CLAIMS for LANDED PROPERTY not exceeding 300 Rupees' Value, which

Number of the Sudder Court.	Number of the Moonsiff's Court.	NAMES OF PARTIES.	Amount of Claim for Landed Property not exceeding 300 Rupees' Value, which Moonsiffs are competent to decide.	Total Costs of Moonsiff's Court in Suits decided Ex parte.	Total Costs of Moonsiff's Court in Suits decided upon the Attendance of both Parties.
			Rs. a. p.	Rs. a. p.	Rs. a. p.
71 of 1844 -	117 of 1842 -	Bhujun Saboo - - - - - - - Plaintiff v. Jhooree Sahoo - - - - - - - Defendant	298 15 11 for possession of land -	32 12 5	47 2 -
192 of 1847 -	5,053 - -	Musst. Urnoopoorna - - - - - - Plaintiff v. Dinnoowath Dass - - - - - - Defendant	280 11 6 for possession of land -	31 14 -	106 14 6
205 of 1844 -	23 of 1842 -	Musst. Yaramonee Dassee - - - - - Plaintiff v. Musst. Mptee Buneeyen - - - - - Defendant	293 5 4 for possession of land -	32 8 5	50 8 8

APPENDIX B.

PAPERS delivered in by Mr. MILLETT, Question 2350, page 235.

Moonsiff is competent to decide, as incurred in the Courts of First, Second and Third Instance.

Plaintiff's Costs.	Defendant's Costs.	Total Costs of Judge's or Principal Sudder Ameen's Court upon Appeal.	Appellant's Costs.	Respondent's Costs.	Total Costs of the Judge's Court upon Appeal.	Total Costs of Sudder Court upon Special Appeal.	Appellant's Costs.	Respondent's Costs.
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs a. p.
15 11 4	5 3 4	29 - -	19 - -	10 - -	- - -	100 6 6	53 3 3	47 3 3
27 12 5	14 3 8	58 13 -	46 2 6	12 10 6	- - -	59 4 10	38 10 5	20 10 5
19 7 -	17 8 6	48 5 -	33 - 6	15 4 6	- - -	129 9 6	71 12 9	57 12 9

a Moonsiff is competent to decide, as incurred in the Courts of First, Second and Third Instance.

Plaintiff's Costs.	Defendant's Costs.	Total Costs of Principal Sudder Ameen's Court upon Appeal.	Appellant's Costs.	Respondent's Costs.	Total Costs of the Judge's Court upon Appeal.	Total Costs of Sudder Court upon Special Appeal	Appellant's Costs.	Respondent's Costs
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p	Rs. a. p.	Rs. a. p.	Rs. a. p	Rs. a. p	Rs. a p.
31 6 9	15 11 3	55 10 6	33 11 3	21 15 3	- - -	117 12 11	64 14 5	52 14 6
50 4 -	56 10 6	68 8 -	54 - -	14 8 -	- - -	40 - -	40 - -	Ex parte.
32 14 -	17 10 8	63 - -	41 8 -	21 8 -	- - -	195 4 10	106 10 5	88 10 5

If an Ameen goes out, his charge is 15 annas per diem for self and peon.

APPENDIX B.—*continued.*

STATEMENT of COSTS in SUITS for MONEY-CLAIM not exceeding 1,000 Rupees, which a

Number of the Sudder Court.	Number of the Sudder Ameen's Court	NAMES OF PARTIES.	Amount of Claim for Money not exceeding 1,000 Rupees, which Sudder Ameens are competent to decide.	Total Costs of Sudder Ameen's Court in Suits decided Ex parte.	Total Costs of Sudder Ameen's Court in Suits decided upon Attendance of both Parties.
			Rs. a. p.	Rs. a. p.	Rs. a. p.
145 of 1849 -	45 of 1846 -	Nubkishu Ghose - - - - - - - Plaintiff *v.* Musst. Belr Jhaloo, &c - - - - - Defendants	503 12 10 Loan -	73 5 -	121 13 -
422 of 1848 -	123 of 1845 -	Oodut Singh - - - - - - - - Plaintiff *v* Ram Sohay Singh, &c. - - - - - Defendants	526 11 -	74 2 9	141 11 6
462 of 1848 -	33 of 1846 -	Baboo Rambully Singh - - - - - Plaintiff *v.* Munnoo Singh, &c. - - - - - - Defendants	703 8 -	83 5 -	162 8 5

STATEMENT of COSTS in CLAIMS for LANDED PROPERTY not exceeding 1,000 Rupees' Value, which

Number of the Sudder Court.	Number of the Sudder Ameen's Court.	NAMES OF PARTIES.	Amount of Claim for Landed Property not exceeding 1,000 Rupees' Value, which Sudder Ameens are competent to decide.	Total Costs of Sudder Ameen's Court in Suits decided Ex parte.	Total Costs of Sudder Ameen's Court in Suits decided upon Attendance of both Parties.
			Rs. a. p.	Rs. a. p.	Rs. a. p.
115 of 1845 -	10 of 1842 -	Shah Mohomudee, &c - - - - - - Plaintiffs *v.* Bechoo Padhia, &c - - - - - - Defendants	577 7 - for lands	77 3 7	178 15 -
176 of 1848 -	829 of 1843, former	Baboo Jeetnarain Singh, &c. - - - - Plaintiffs *v.* Fekoo Chowdhry, &c - - - - - Defendants	607 8 - for lands	78 11 7	225 10 -
155 of 1844 -	29 of 1842 -	Kirtynath Sirma - - - - - - - Plaintiff *v.* The Deputy Collector - - - - - Defendant	148 12 6 for lands	29 12 4	41 6 10

APPENDIX B.—*continued.*

Sudder Ameen is competent to decide, as incurred in the Courts of First, Second and Third Instance.

Plaintiff's Costs.	Defendant's Costs.	Total Costs of Principal Sudder Ameen's Court upon Appeal.	Appellant's Costs.	Respondent's Costs.	Total Costs of Judge's Court upon Appeal.	Appellant's Costs.	Respondent's Costs.	Total Costs of Sudder Court upon Special Appeal	Appellant's Costs.	Respondent's Costs.
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
89 15 –	31 14 –	- - -	- -	- -	89 14 –	64 3 –	25 11 –	92 4 10	61 2 5	31 2 5
73 8 10	68 2 8	103 3 4	65 4 10	37 14 6	- - -	- -	- -	124 14 3	94 9 6	30 4 9
111 14 –	50 10 5	119 5 –	79 10 6	39 10 6	- - -	- -	- -	71 2 5	71 2 5	Ex parte

a Sudder Ameen is competent to decide, as incurred in the Courts of First, Second and Third Instance.

Plaintiff's Costs.	Defendant's Costs.	Total Costs of Principal Sudder Ameen's Court upon Appeal.	Appellant's Costs.	Respondent's Costs.	Total Costs of Judge's Court upon Appeal.	Appellant's Costs.	Respondent's Costs	Total Costs of Sudder Court upon Special Appeal.	Appellant's Costs.	Respondent's Costs.
Rs. a. p	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p	Rs. a. p.	Rs. a. p.	Rs. a. p.
105 – –	73 15 –	99 – –	67 2 –	31 14 –	- - -	- -	- -	177 11 2	104 13 7	72 13 7
118 14 – for 1st, 2d and present decisions	106 12 – for 1st, 2d and present decisions	97 2 –	66 4 –	30 14 –	- - -	- -	- -	137 – 9	66 5 7	70 11 2
26 – 5	15 6 5	- - -	- -	- -	24 12 5	24 12 5	Ex parte	103 8 –	68 12 –	34 12

APPENDIX B.—*continued.*

STATEMENT of COSTS in SUITS for MONEY-CLAIM above 1,000 Rupees, but not exceeding 5,000 Rupees, which a

Number of the Sudder Court.	Number of the Principal Sudder Ameen's Court.	NAMES OF PARTIES.	Amount of Money-Claim from 1,000 to 5,000 Rupees, which a Principal Sudder Ameen is competent to decide.	Total Costs of Principal Sudder Ameen's Court in Suits decided Ex parte.	Total Costs of Principal Sudder Ameen's Court in Suits decided upon Attendance of both Parties.
			Rs. a. p.	Rs. a. p.	Rs. a. p.
175 of 1840	27,861	Mukhun Lal, &c. — Plaintiffs *v.* Doorga Dutt, &c. — Defendants	1,321 6 — Loan	131 6 9	208 15 8
67 of 1840	35 of 1837	Nil Raut Roy — Plaintiff *v.* Zumeerooddeen Chowdhry — Defendant	4,998 7 10 Loan	421 4 4	732 10 10
201 of 1840	333 of 1836, original	Raja Rajnarine — Plaintiff *v* Ramanath Chatterjee, &c. — Defendants	1,598 10 15 Loan	147 4 4	249 1 7

STATEMENT of COSTS in CLAIMS for LANDED PROPERTY of Value above 1,000 Rupees, but not exceeding

Second and

Number of the Sudder Court.	Number of the Principal Sudder Ameen's Court.	NAMES OF PARTIES.	Amount of Claim for Landed Property of Value above 1,000 Rupees, but not exceeding 5,000 Rupees, which a Principal Sudder Ameen is competent to decide.	Total Costs of Principal Sudder Ameen's Court in Suits decided Ex parte.	Total Costs of Principal Sudder Ameen's Court in Suits decided upon Attendance of both Parties.
			Rs. a. p.	Rs. a. p.	Rs. a. p.
295 of 1839	13,714, Civil	Seebnarine Roy — Plaintiff *v.* Punchanund Roy, &c. — Defendants	1,095 4 10 for possession of land	131 2 —	221 4 —
257 of 1839	12 of 1837	Bhekarry Singh — Plaintiff *v.* Lotun Singh, &c. — Defendants	1,130 14 10 for possession of Mouza Luchmipore	125 12 —	206 11 10
5 of 1844	36	Ranee Chundro Money Debia — Plaintiff *v.* Raja Kashee Kaut Singh, &c. — Defendants	1,100 — — for possession of Zumeendary	131 6 —	234 2 —

APPENDIX B.—*continued.*

Principal Sudder Ameen is competent to decide, as incurred in the Courts of First, Second and Third Instance.

Plaintiff's Costs.	Defendant's Costs.	Total Costs of Judge's Court upon Appeal.	Appellant's Costs.	Respondent's Costs.	Total Costs of Sudder Court upon Special Appeal.	Appellant's Costs.	Respondent's Costs.
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs a. p	Rs. a. p.	Rs. a. p.
139 6 10	69 8 10	234 5 6	130 8 –	103 13 6	264 1 6	158 – 9	106 9
447 9 5	285 1 5	711 13 6	431 14 9	279 14 9	787 12 10	469 14 5	317 14 5
158 10 7	90 7 7	236 10 8	138 8 –	98 2 8	205 14 5	205 14 5	Ex parte.

5,000 Rupees, which a Principal Sudder Ameen is competent to decide, as incurred in the Courts of First, Third Instance.

Plaintiff's Costs.	Defendant's Costs.	Total Costs of Judge's Court upon Appeal.	Appellant's Costs.	Respondent's Costs.	Total Costs of Sudder Court upon Special Appeal.	Appellant's Costs.	Respondent's Costs.
Rs a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p
138 12 –	82 8 –	56 – –	52 – –	4 – – only, value of Fysalah(Stamp)	315 8 –	176 12 –	138 12 –
126 4 –	80 7 10	221 10 3	118 12 3	102 14 –	271 – –	158 8 –	112 8 –
144 2 –	90 – –	134 14 –	126 6 –	8 8 –	258 – –	155 – –	103 – –

APPENDIX B.—*continued.*

STATEMENT of COSTS in SUITS for MONEY-CLAIM above 5,000 Rupees and upwards, which a

Number of the Sudder Court.	Number of the Principal Sudder Ameen's Court.	NAMES OF PARTIES.	Amount of Money-Claim exceeding 5,000 Rupees and upwards, which a Principal Sudder Ameen is competent to decide.
			Rs. a. p.
287 of 1839	27,166	Munbode Sahoo - - - - - - - - - Plaintiff v. Musst. Balkoour, &c. - - - - - - - - Defendants	5,275 - - amount of advance
34 of 1844	63 of 1843	Gopal Dass Muhunt - - - - - - - - Plaintiff v. Khaja Russool Khan, &c. - - - - - - - Defendants	21,332 13 - Bond debt
101 of 1844	65 of 1843	Gobind Chundro Baboo - - - - - - - Plaintiff v. Rampershad Roy - - - - - - - - Defendant	9,372 - - Bond debt

STATEMENT of COSTS in CLAIMS for LANDED PROPERTY above 5,000 Rupees' Value and upwards, which a

Number of the Sudder Court.	Number of the Principal Sudder Ameen's Court.	NAMES OF PARTIES.	Amount of Claim for Landed Property above 500 Rupees' Value and upwards, which a Principal Sudder Ameen is competent to decide.
			Rs. a. p.
265 of 1839	127, Original	Pran Kishen Huldar - - - - - - - - Plaintiff v. Dwarkanauth Thakoor, &c. - - - - - - Defendants	139,265 2 10 for possession of Talook
64 of 1844	15	Isanchunder Chuckerbutty, &c. - - - - - Plaintiffs v. Ramkoomar Chuckerbutty, &c. - - - - - Defendants	6,969 9 7 Co's rupees for possession of Talook
10 of 1844	1,334	Kishen Kaut Sha, &c. - - - - - - - Plaintiffs v. Gobindmony Chowdhryu, &c. - - - - - Defendants	12,217 7 - for possession of Talook

APPENDIX B.—*continued.*

Principal Sudder Ameen is competent to decide, as incurred in the Courts of First and Second Instance.

Total Costs of Principal Sudder Ameen's Court in Suits decided Ex parte.	Total Costs of Principal Sudder Ameen's Court in Suits decided upon Attendance of both Parties.	Plaintiff's Costs.	Defendant's Costs.	Total Costs of Sudder Court upon Appeal.	Appellant's Costs.	Respondent's Costs.
Rs. a. p.	Rs a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
525 12 –	826 2 –	537 12 –	288 6 –	851 – –	555 8 –	295 8 –
1 084 12 –	2,838 1 –	1,116 7 3	1,721 9 9	1,694 10 2	1,097 5 1	597 5 1
609 7 –	964 6 –	612 7 –	351 15 –	1,008 14 –	633 7 –	375 7 –

Principal Sudder Ameen is competent to decide, as incurred in the Courts of First and Second Instance.

Total Costs of Principal Sudder Ameen's Court in Suits decided Ex parte.	Total Costs of Principal Sudder Ameen's Court in Suits decided upon Attendance of both Parties.	Plaintiff's Costs.	Defendant's Costs.	Total Costs of Sudder Court upon Appeal.	Appellant's Costs.	Respondent's Costs.
Rs. a. p.	Rs. a. p.	Rs a. p.	Rs. a. p	Rs. a. p.	Rs. a. p	Rs. a. p.
3,052 6 –	4,709 1 4	3,132 6 8	1,576 10 8	5,130 – –	3,060 – –	2,070 – –
591 12 –	1,415 – 9	1,098 2 9	316 14 –	601 6 1	601 6 1	Ex parte.
796 11 7	1,485 7 –	648 1 6	837 5 6	1,174 5 8	713 2 10	461 2 10

APPENDIX B.—*continued.*

STATEMENT of COSTS in SUITS for MONEY-CLAIM above 5,000 Rupees and upwards, which

Number of the Sudder Court.	Number of the Judge's Court.	NAMES OF PARTIES.	Amount of Money-Claim above 5,000 Rupees' Value and upwards, which a Judge is competent to decide.
			Rs. a. p.
103 of 1832 - -	6,698, Civil - -	Ramruttun Bose, &c. - - - - - - - - Plaintiffs *v.* Kesubram Roy, &c. - - - - - - - - - Defendants	8,711 - - Loan
230 of 1840 - - This case was remanded.	5,994, Original - -	Debnaraine Roy Mohashai, &c. - - - - - - Plaintiffs *v* Musst. Heramony - - - - - - - - - Defendant	19,489 6 - Loan
412 of 1848 - -	5 of 1847 - Judge's Court.	Mrs. A. S. Borlard - - - - - - - - - Plaintiff *v.* Musst. Kisnomony, &c. - - - - - - - - Defendants	20,600 - - Loan

STATEMENT of COSTS in CLAIMS for LANDED PROPERTY exceeding 5,000 Rupees' Value and upwards,

Number of the Sudder Court.	Number of the Judge's Court.	NAMES OF PARTIES.	Amount of Claim for Landed Property exceeding 5,000 Rupees' Value and upwards, which a Judge is competent to decide.
			Rs. a. p.
180 of 1849 - -	223 of 1841 - -	Nubeen Kishn Singh, &c. - - - - - - - - Plaintiffs *v.* Issur Chunder Paul Chowdhry - - - - - - - Defendant	8,960 - - for landed property
389 of 1847 - -	47 of 1844 - -	Baboo Oomraoh Singh, &c. - - - - - - - Plaintiffs *v* Government and others - - - - - - - - Defendants	9,206 11 - for landed property
246 of 1846 - -	22 of 1844 - -	Mr. R. O. Dowda, Receiver, Supreme Court, - - - - Plaintiff *v.* Moharaja Kishn Kishmer Manick, &c. - - - - - Defendants	45,595 8 - for landed property

APPENDIX B.—*continued.*

* a Judge is competent to decide, as incurred in the Courts of First and Second Instance.

Total Costs of Judge's Court in Suits decided Ex parte.	Total Costs of Judge's Court in Suits decided upon Attendance of both Parties.	Plaintiff's Costs.	Defendant's Costs.	Total Costs of Sudder Court upon Appeal.	Appellant's Costs.	Respondent's Costs.
Rs. a. p.	Rs. a. p.	Rs a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
595 9 6	941 - -	608 4 -	332 12 -	647 1 11	615 1 11	32 - -
1,061 6 4	1,261 10 -	Former and present, 1,185 12 -	75 14 -	1,669 9 -	1,091 12 6	577 12 6
1,088 10 -	1,739 4 -	1,110 10 -	628 10 -	1,624 - -	1,062 - -	562 - -

which a Judge is competent to decide, as incurred in the Courts of First and Second Instance.

Total Costs of Judge's Court in Suits decided Ex parte	Total Costs of Judge's Court in Suits decided upon Attendance of both Parties	Plaintiff's Costs.	Defendant's Costs.	Total Costs of Sudder Court upon Appeal.	Appellant's Costs.	Respondent's Costs.
Rs. a. p.	Rs. a. p.	Rs a. p	Rs a. p	Rs a p	Rs a. p.	Rs. a. p.
631 6 5	1,055 15 10	657 14 5	398 1 5	925 6 6	587 3 3	338 3 3
636 8 8	1,441 8 -	680 3 10	761 4 2	1,272 5 9	594 1 11	678 3 10
1,652 12 11	4,506 2 -	2,271 10 -	2,234 8 -	2,333 14 6	1,521 15 3	811 15 3

APPENDIX B.—*continued.*

APPEALS from MOONSIFFS to JUDGE or PRINCIPAL SUDDER AMEEN.

No	NAMES OF PARTIES.	CLAIM.	Costs incurred by Plaintiff.	Costs incurred by Defendant.	Total Costs of Suit.	Whether tried on its Merits or Ex parte.
			Rs. a. p.	Rs. a. p.	Rs. a. p.	
		FOR MONEY:				
37	Meda *v.* Neadur Mull - - -	Rs. 281. 2. - -	Stamps - - 18 8 – Tulubanuh - 3 4 – Vakeel's Fees - 14 – –	Stamps - - 3 8 – Vakeel's Fees - 14 – –	53 4 –	On its merits.
38	Futteh Singh - - Plff. Appt. *v.* Goolab Singh - - Deft. Respt	Rs. 210. debt in account.	*Original Proceedings:* Institution Fee 16 – – Tulubanuh - 29 2 – Vakeel's Fees - 10 8 – 55 10 – *Appeal.* Institution Fee 16 – – Stamps - - 2 8 – Tulubanuh - 10 4 – Vakeel's Fees - 10 8 – 39 4 – 94 14 –	*Original Proceedings:* Tulubanuh - 2 10 – Vakeel's Fees - 10 8 – 13 2 –	121 – –	On its merits.
39	Bakhshee Ram - Plff. Appt *v* Musst Nehayut Begum, Deft. Respt.	Rs. 62. 12 debt in account	Original Proceedings. Institution Fee 4 – – Tulubanuh - 1 8 – Vakeel's Fees - 3 1 6 8 9 6 Appeal: Institution Fee 4 – – Stamps - - 1 8 – Vakeel's Fees - 3 1 6 8 9 6 17 3 –	Original Proceedings. Vakeel's Fees - 3 1 6 Appeal: Stamps - - 1 – – Vakeel's Fees - 3 1 6 4 1 6 7 3 –	24 6 –	On its merits.
40	Choorcea Mull *v* Neadur Mull -	Rs 148 - - -	Stamps - - 11 8 – Vakeel's Fees - 7 6 –	- - - - -	18 14 –	Ex parte.
41	Choonneeloll - - Plff Appt. *v* Goommanee - - Deft. Respt.	Rs 105 5. 6. under Bond.	Original Proceedings. Institution Fee 8 – – Tulubanuh - 3 – – Witnesses' allowances - - – 4 – Vakeel's Fees - 5 4 – 16 8 – Appeal. Institution Fee 8 – – Stamps - - 1 8 – Vakeel's Fees - 5 4 – 14 12 – 31 4 –	Original Proceedings: Vakeel's Fees - 5 4 – Appeal: Paper for Copy of Decision - 1 – – 6 4 –	37 8 –	Ex parte.
42	Parshadeeloll - Deft. Appt. *v.* Nynsookh and others, Plffs. Respts.	Rs 19. 13. 3. under a Bond.	Original Proceedings: Tulubanuh - - 4 – Vakeel's Fees - - 15 – 1 3 – Appeal: Institution Fee 2 – – Stamps - - 1 8 – Vakeel's Fees - – 15 – 4 7 3 5 10 3	Original Proceedings: Institution Fee 2 – – Tulubanuh - 1 8 – Vakeel's Fees - – 15 3 4 7 3 Appeal: For Copy of Decision - 1 – – 5 7 3	11 1 6	Ex parte.

Appendix B.—APPEALS from Moonsiffs to Judge or Principal Sudder Ameen—*continued.*

No.	NAMES OF PARTIES.	CLAIM.	Costs incurred by Plaintiff.	Costs incurred by Defendant.	Total Costs of Suit.	Whether tried on its Merits or Ex parte.
		FOR REAL PROPERTY:	Rs. a. p.	Rs a. p.	Rs. a. p.	
43	Hurdial *v.* Bhouta - - -	For possession of Zemeendarrie land at its value, Rs. 300.	Stamps - - 21 8 – Tulubanuh - 5 10 – Vakeel's Fees - 15 – –	Stamps - - 6 8 – Vakeel's Fees - 15 – –	63 10 –	On its merits.
44	Bhowanee Singh and others - - } Pffs. Appts. *v.* Dibba Singh - - - Respt.	For possession of two bis. Zemeendarrie land, assessed at Rs 56. 5. per annum	Original Proceedings Institution Fee 4 – – Tulubanuh - 4 8 – Vakeel's Fees - 2 12 9 11 4 9 Appeal. Institution Fee 4 – – Stamps - - 2 8 – Vakeel's Fees - 2 12 9 9 4 9 20 9 6	Original Proceedings Tulubanuh - 1 4 – Vakeel's Fees - 2 12 9 4 – 9 Appeal: Stamps - - 3 8 – Vakeel's Fees - 2 12 9 6 4 9 10 5 6	30 15 –	On its merits.
45	Gholam Hussun Khan and others } Defts. Appts *v.* Mohd Kazumalee Khan and others } Pffs. Respts	For possession of 18 beeg 3 bis. land, at its value, Rs. 62. 1.	Original Proceedings: Tulubanuh - 1 8 – Vakeel's Fees - 3 10 – 5 2 – Appeal Institution Fee 4 – – Stamps - - 9 – – Tulubanuh - 1 12 – Vakeel's Fees - 3 1 6 17 13 6 22 15 6	Original Proceedings, Institution Fee 4 – – Tulubanuh - 2 – – Vakeel's Fees - 3 1 6 Drawing out sketch of land – 8 – 9 9 6 Appeal: Stamps - - 9 8 – Vakeel's Fees - 3 1 6 12 9 6 22 3 –	45 2 6	On its merits
46	Ramanund *v.* Mussamat Suma -	For possession of Zemeendarrie land, assessed at Rs. 23. 7. per annum.	Stamps - - 6 8 – Vakeel's Fees - 1 3 –	- - - - -	7 11 –	Ex parte.
47	Choonneeloll and others, Pffs. Appts. *v.* Mirza Ubboo Soorab Khan - - } Deft. Respt.	For possession of land at its value, Rs. 100.	Original Proceedings: Institution Fee 8 – – Tulubanuh - 2 8 – Vakeel's Fees - 5 – – 15 8 – Appeal: Institution Fee 8 – – Stamps - - 2 8 – Vakeel's Fees - 5 – – 15 8 – 31 – –	Original Proceedings: Tulubanuh - 8 – – 3 Vakeels' Fees 15 – – 15 8 – Appeal: Paper for Copy of Decision - 2 – – 17 8 –	48 8 –	Ex parte.
48	Wahab Khan - - Pff. Appt. *v.* Ukbur Khan - - Deft Respt.	For possession of 2½ bis. Zemeendarrie land, assessed at Rs. 17. 8. per annum.	Original Proceedings: Institution Fee 2 – – Tulubanuh - 8 – – Vakeel's Fees - – 13 – 10 13 – Appeal: Institution Fee 2 – – Stamps - - 1 8 – Vakeel's Fees - – 13 6 4 5 6 15 2 6	Original Proceedings: Vakeel's Fees - – 13 – Appeal: For Copy of Decision - 1 – – 1 13 –	16 15 6	Ex parte.

APPENDIX B.—*continued.*

APPEALS from SUDDER AMEENS to JUDGE.

No.	NAMES OF PARTIES.	CLAIM.	Costs incurred by Plaintiff.	Costs incurred by Defendant.	Total Costs of Suit.	Whether tried on its Merits or Ex parte.
		FOR MONEY:				
49	Roopram *v.* Mussamat Imamun -	Rs. 705. 14. - -	Rs. a. p. Stamps - 37 8 – Tulubanuh - 2 10 – Vakeel's Fees - 35 4 9	Rs. a. p. Stamps - - 4 8 – Vakeel's Fees - 35 4 9	R. a. p. 115 3 6	On its merits.
50	Dutram - - Plff. Appt. *v.* Hurree Singh & others, Defts. Respts	Rs 791. 15. 6 under a Bond	Original Proceedings: Institution Fee 32 – – Stamps - - 11 – – Tulubanuh - 16 4 – Vakeel's Fees - 39 8 9 98 12 9 Appeal: Institution Fee 32 – – Stamps - - 3 – – Vakeel's Fees - 39 8 9 74 8 9 173 5 6	Original Proceedings: Stamps - - 8 8 – Tulubanuh - 1 4 – Vakeel's Fees - 39 8 9 49 4 9 Appeal: Stamps - - 2 8 – Vakeel's Fees - 39 8 9 42 – 9 91 5 6	264 11 –	On its merits.
51	Guneshpershad - Plff. Appt. *v* Mugulsein - - Deft. Respt.	Rs. 650, principal and interest, in account.	Original Proceedings. Institution Fee 32 – – Stamps - - 9 – – Tulubanuh - – 8 – Vakeel's Fees - 32 8 – 74 – – Appeal: Institution Fee 32 – – Stamps - - 1 8 – Vakeel's Fees - 32 8 – 66 – – 140 – –	Original Proceedings: Stamps - - 12 – – Tulubanuh - – 4 – Vakeel's Fees - 32 8 – 44 12 – Appeal. Stamps - - 1 8 – Vakeel's Fees - 32 8 – 34 – – 78 12 –	218 12 –	On itsmerits.
52	Premnath *v.* Hursuhae - -	Rs. 361. 2. - -	Stamps - - 35 8 – Vakeel's Fees - 18 1 –	- - - - -	53 9 –	Ex parte.
53	Durgaheemull - Plff. Appt. *v.* Kullian - - - Deft. Respt.	Rs. 984. 5. 3. under a Bond.	Original Proceedings. Institution Fee 50 – – Stamps - - 8 4 – Tulubanuh - 6 – – Vakeel's Fees - 49 3 3 113 7 3 Appeal: Institution Fee 50 – – Stamps - - 4 8 – Tulubanuh - 2 8 – Vakeel's Fees - 49 3 3 106 3 3 219 10 6	Original Proceedings. Stamps - - 3 12 – Vakeel's Fees - 49 3 3 52 15 3 Appeal: For Copy of Decision - 2 – – 54 15 3	274 9 9	Ex parte.
54	Musst. Bunnoojan - Plff. Appt. *v.* Chedaloll and others, Defts. Respts.	Rs. 321. 12. 9. under a Bond.	Original Proceedings. Institution Fee 32 – – Stamps - - 5 – – Tulubanuh - 1 – – Vakeel's Fees - 16 – 9 54 – 9 Appeal: Institution Fee 32 – – Stamps - - 2 8 – Vakeel's Fees - 16 – 9 50 8 9 104 9 6	Original Proceedings: Stamps - 5 8 – Tulubanuh – 4 – Vakeel's Fees - 16 – 9 21 12 9 Appeal: For Copy of Decision - 1 – – 22 12 9	127 6 3	Ex parte.

Appendix B.—Appeals from Sudder Ameens to Judge—*continued.*

No.	NAMES OF PARTIES.	CLAIM.	Costs incurred by Plaintiff.	Costs incurred by Defendant.	Total Costs of Suit	Whether tried on its Merits or Ex-parte.
		FOR REAL PROPERTY:				
55	Mussamat Mobarukoonissa *v.* Mobaruk Ali Khan.	For a share of rent-free land, valued at 18 times its annual produce.	Rs. a. p. Stamps - - 39 8 – Vakeel's Fees - 30 10 6	Rs. a p. Stamps - - 5 8 – Vakeel's Fees - 30 10 6	Rs. a p. 106 5 –	On its merits.
56	Motee Singh & others, Plffs. Appts. *v.* Mookram and others, Defts. Respts.	For possession of 12 bis. Zemeendarrie land, assessed at Rs. 585 per annum.	Original Proceedings. Institution Fee 32 – – Stamps - - 10 – – Tulubanuh - 23 6 – Vakeel's Fees - 29 4 – 94 10 – Appeal Institution Fee 32 – – Stamps - - 7 8 – Tulubanuh - 10 – – Vakeel's Fees - 29 4 – 78 12 – 173 6 –	Original Proceedings: Stamps - - 2 – – Vakeel's Fees - 58 8 – 60 8 – Appeal Stamps - - 7 8 – Vakeel's Fees - 29 4 – 36 12 – 97 4 –	270 10 –	On its merits.
57	Bunseedhur - - Deft. Appt. *v.* Rughoomul - - Plff. Respt.	For possession of Zemeendarrie Mowzah Boolboollee, assessed at Rs. 575 per annum.	Original Proceedings Stamps - - 3 8 – Vakeel's Fees - 28 12 – 32 4 – Appeal. Institution Fee 32 – – Stamps - - 6 8 – Vakeel's Fees - 28 12 – 67 4 – 99 8 –	Original Proceedings. Institution Fee 32 – – Stamps - - 3 – – Tulubanuh - 3 8 – Vakeel's Fees - 28 12 – 67 4 – Appeal. Stamps - - 12 8 – Vakeel's Fees - 28 12 – 41 4 – 108 8 –	208 – –	On its merits.
58	Gowree Dut *v.* Mohkum Chund -	For possession of Zemeendarrie land at its value, Rs. 750.	Stamps - - 35 8 – Vakeel's Fees - 37 8 –	- - - - -	73 – –	Ex parte.
59	Chubbee - - Plff Appt. *v.* Jymul Singh - - Deft. Respt.	For possession of Zemeendarrie land, assessed at Rs. 410 per annum.	Original Proceedings. Institution Fee 32 – – Stamps - - 10 – – Tulubanuh - 5 8 – Vakeel's Fees - 20 8 – 68 – – Appeal Institution Fee 32 – – Stamps - - 4 8 – Tulubanuh - 2 8 – Vakeel's Fees - 20 8 – 59 8 – 127 8 –	Original Proceedings: Stamps - - 1 – – Vakeel's Fees - 20 8 – 21 8 –	149 – –	Ex parte.
60	Moolchund and others, Defts. Appts. *v.* Dabeedoss - - Plff. Respt.	For possession of a dwelling-house at its value, Rs. 650 7.	Original Proceedings: Stamps - - 12 8 – Tulubanuh - 1 4 – Vakeel's Fees - 32 8 – 46 4 – Appeal. Institution Fee 32 – – Stamps - - 3 8 – Vakeel's Fees - 32 8 – 69 – – 114 4 –	Original Proceedings: Institution Fee 32 – – Stamps - - 10 – – Tulubanuh - 6 12 – Vakeel's Fees - 32 8 – 81 4 – Appeal. For Copy of Decision - 2 – – 83 4 –	197 8 –	Ex parte.

APPENDIX B.—*continued.*

ORIGINAL SUITS of SUDDER AMEEN, from 300 Rupees to 1,000 Rupees.

No.	NAMES OF PARTIES.	CLAIM.	Costs incurred by Plaintiff.	Costs incurred by Defendant.	Total Costs of Suit.	Whether tried on its Merits or Ex parte.
		FOR MONEY:	Rs. a. p.	Rs. a. p.	Rs. a. p.	
13	Deendial *v.* Toolsee Ram	Rs. 827. 13. 6.	Institution Fee 50 – – Other Stamps 41 8 – Tulubanuh 26 2 6 Vakeel's Fees 41 6 –	Stamps 33 8 – Tulubanuh 13 9 6 Vakeel's Fees 41 6 –	247 8 –	On its merits.
14	Mungoololl Pliff. *v.* Enayutoollah Khan Deft.	Rs. 488, under a Bond	Institution Fee 32 – – Other Stamps 4 – – Tulubanuh 7 12 – Vakeel's Fees 24 6 6 68 2 6	Stamps 4 – – Tulubanuh 4 8 – Vakeel's Fees 24 6 6 32 14 6	101 1 –	On its merits.
15	Mohd Mulloo Khan Pliff. *v.* Musst. Ouleeah Begum Deft.	Rs. 626. 2. 6. rent	Institution Fee, one-fourth 8 – – Other Stamps 11 – – Tulubanuh 9 6 – Vakeel's Fees 31 4 9 59 10 9	Stamps 12 – – Tulubanuh 2 11 3 Vakeel's Fees 31 4 9 46 – –	105 10 9	On its merits.
16	Goolab Singh *v.* Meen	Rs. 799. 3. 8.	Institution Fee 32 – – Other Stamps 7 – – Tulubanuh 1 14 – Vakeel's Fees 39 15 3	– – – – –	80 13 3	Ex parte.
17	Bhopal Sing Pliff. *v* Zalim Singh Deft.	Rs. 699, under a Bond	Institution Fee 32 – – Other Stamps 5 – – Tulubanuh 13 10 – Vakeel's Fees 34 15 3 85 9 3	– – – – –	85 9 3	Ex parte.
18	Futteh Singh Pliff. *v.* Sabah Singh Deft.	Rs. 543. 12. under a Bond.	Institution Fee 32 – – Other Stamps 4 8 – Tulubanuh 6 10 – Vakeel's Fees 27 2 3 70 4 3	– – – – –	70 4 3	Ex parte.
		FOR REAL PROPERTY:				
19	Shadee Ram *v.* Bunsee Lall	For possession of a share of a house, value Rs. 426. 10. 3.	Institution Fee 32 – – Other Stamps 12 8 – Tulubanuh 1 2 – Vakeel's Fees 21 5 3	Stamps 6 – – Vakeel's Fees 21 5 3	94 4 6	On its merits.
20	Nerunjun Singh Pliff. *v* Sutcha Singh, &c. Defts.	For possession of Zemeendarrie land, assessed at Rs. 473. 4. per annum.	Institution Fee 32 – – Other Stamps 10 8 – Tulubanuh 5 – – Vakeel's Fees 24 10 3 72 2 3	Stamps 9 – – Tulubanuh 1 12 – Vakeel's Fees 24 10 3 35 6 3	107 8 6	On its merits.
21	Sarajooddeen Khan Pliff. *v.* Sheo Gholam Deft.	For possession of Zemeendarrie land at its value, Rs. 380. 9. 3	Institution Fee 32 – – Other Stamps 11 – – Tulubanuh 5 4 – Vakeel's Fees 19 – – 67 4 –	Stamps 8 8 – Vakeel's Fees 19 – – 27 8 –	94 12 –	On its merits.
22	Keshree Singh *v.* Khoshial	For possession of Zemeendarrie land at its mortgaged value, Rs. 605.	Institution Fee 32 – – Other Stamps 6 8 – Tulubanuh 9 – – Vakeel's Fees 30 4 –	– – – – –	77 12 –	Ex parte.
23	Jhao Pliff. *v.* Bullee Deft.	For possession of Zemeendarrie land, assessed at Rs 563 12. per annum.	Institution Fee 32 – – Other Stamps 4 8 – Tulubanuh 5 12 – Vakeel's Fees 28 2 3 70 6 3	– – – – –	70 6 3	Ex parte.
24	Gyan Singh Pliff. *v.* Lalljeemull Deft.	For possession of Zemeendarrie land, assessed at Rs. 825 per annum.	Institution Fee 50 – – Other Stamps 2 8 – Tulubanuh 9 8 – Vakeel's Fees 20 10 – 82 10 –	– – – – –	82 10 –	Ex parte.

APPENDIX B.—*continued.*

ORIGINAL SUITS of PRINCIPAL SUDDER AMEEN, from 1,000 Rupees upwards.

No.	NAMES OF PARTIES.	CLAIM.	Costs incurred by Plaintiff.	Costs incurred by Defendant.	Total Costs of Suit.	Whether tried on its Merits or Ex parte.
		FOR MONEY:				
25	Nao Nehal *v.* Shakoor Doss	Rs. 1,093. 15. 6	Institution Fee 50 – – Other Stamps 17 8 – Tulubanuh 3 15 – Vakeel's Fees 54 11 9	Stamps 13 8 – Tulubanuh 2 10 – Vakeel's Fees 54 11 9	197 – 6	On its merits.
26	Bukhshee Ram – Plff. *v.* Jhao Singh – Deft.	Rs. 2,915 2. –	Institution Fee 100 – – Other Stamps 9 8 – Tulubanuh 2 4 – Vakeel's Fees 145 12 – 257 8 –	Stamps 9 8 – Tulubanuh 1 – – Vakeel's Fees 145 12 – 156 4 –	413 12 –	On its merits
27	Musst Rane, wife of Rugnath Singh – Plff. *v* Buldeo Bukhsh – Deft	Rs. 1,495 7 9. balance under farming engagement	Institution Fee, one-fourth 12 8 – Other Stamps 14 8 – Tulubanuh 14 8 – Vakeel's Fees 74 12 – 116 4 –	Stamps 6 – – Vakeel's Fees 74 12 – 80 12 –	197 – –	On its merits
28	Kunyah Lull *v.* Mrs. Glasgow	Rs. 1,442. 15 –	Institution Fee 50 – – Other Stamps 5 8 – Tulubanuh – 12 – Vakeel's Fees 72 2 –	– – – – –	128 6 –	Ex parte
29	Rughamull – Plff *v* Ramnath – Deft.	Rs 1,261. 8 9. under a Bond.	Institution Fee 50 – – Other Stamps 10 8 – Tulubanuh 5 4 – Vakeel's Fees 63 – 9 128 12 9	– – – – –	128 12 9	Ex parte
30	Abdool Ulee Khan – Plff *v* Kehur Singh – Deft.	Rs 1,598 1 9 under a Bond.	Institution Fee 50 – – Other Stamps 8 8 – Tulubanuh 10 – – Vakeel's Fees 79 14 6 148 6 6	– – – – –	148 6 6	Ex parte.
		FOR REAL PROPERTY:				
31	Muhomed Bukhsh *v.* Mussamat Bunsksur	For redemption from mortgage of Zemeendarrie land and gardens, value of land according to its annual assessment, and the gardens at their value, Rs. 1,430 4 6	Institution Fee 50 – – Other Stamps 19 8 – Tulubanuh 31 8 – Vakeel's Fees 71 8 3	Stamps 20 8 – Vakeel's Fees 71 8 3	264 8 6	On its merits.
32	Girdhareeloll – Plff. *v* Teeka Ram – Deft.	For possession of 10 bis. 17 biswan. Zemeendarrie land, assessed at Rs. 1,131 14.	Institution Fee 50 – – Other Stamps 23 8 – Tulubanuh 1 12 – Vakeel's Fees 59 – 9 134 4 9	Stamps 10 8 – Vakeel's Fees 59 – 9 69 8 9	203 13 6	On its merits
33	Toree Singh – Plff. *v.* Musst Hurkonwar and others, Defts.	For possession of 10 bis Zemeendarrie land, assessed at Rs 1,700	Institution Fee 100 – – Other Stamps 29 8 – Tulubanuh 6 – – Vakeel's Fees 85 – – 220 8 –	*Principal Defendant* Stamps 44 – – Vakeel's Fees 85 – – 129 – – *Hindoo Singh and others.* Stamps 5 8 – Vakeel's Fees 85 – – 90 8 – 219 8 –	440 – –	On its merits.
34	Moolla *v.* Seja	For possession of a house, value Rs. 1,600	Institution Fee 50 – – Other Stamps 13 8 – Vakeel's Fees 80 – –	– – – – –	143 8 –	Ex parte.
35	Enayut Hossein Khan and others – Plffs. *v* Teeka Ram and others – Defts	For possession of land at its value, Rs. 3,000	Institution Fee 100 – – Other Stamps 29 – – Tulubanuh 19 – – Vakeel's Fees 150 – – 298 – –	– – – – –	298 – –	Ex parte.
36	Himmut Singh and others – Plffs. *v.* Mukbool Hossein and others, Defts	For possession of Zemeendarie land, assessed at Rs 2,225 per annum	Institution Fee 100 – – Other Stamps 12 8 – Tulubanuh 1 – – Vakeel's Fees 111 4 – 224 12 –	– – – – –	224 12 –	Ex parte

APPENDIX B.—*continued.*

APPEALS from PRINCIPAL SUDDER AMEENS to JUDGE, from 1,000 Rupees to 5,000 Rupees.

No.	NAMES OF PARTIES.	CLAIM.	Costs incurred by Plaintiff.	Costs incurred by Defendant.	Total Costs of Suit.	Whether tried on its Merits or Ex parte.
		FOR MONEY:				
61	Dursookh Rae *v.* Gumundee -	Rs. 1,103 - -	Stamps - 59 8 – Tulubanuh - 5 4 – Vakeel's Fees - 55 2 3	Stamps - - 4 8 – Vakeel's Fees - 55 2 3	Rs. a. p. 179 8 6	On its merits.
62	Dhunnee Ram - Plff. Appt. *v.* Beharreelol - - Deft. Respt.	Rs. 1,316. 9. 9. under a Bond.	Original Proceedings: Institution Fee 50 – – Stamps - - 27 8 – Tulubanuh - 4 – – Vakeel's Fees - 65 12 9 147 4 9 Appeal: Institution Fee 50 – – Stamps - - 5 8 – Vakeel's Fees - 65 12 9 121 4 9 268 9 6	Original Proceedings: Stamps - - 20 – – Tulubanuh - 4 – – Vakeel's Fees - 65 12 9 89 12 9 Appeal: Stamps - - 5 8 – Vakeel's Fees - 65 12 9 71 4 9 161 1 6	429 11 –	On its merits.
63	Chundunlol - - Plff. Appt. *v.* Musst Moonnee Begum - - } Deft. Respt.	Rs. 1,386. 12. 6. under a Bond.	Original Proceedings: Institution Fee 50 – – Stamps - - 18 8 – Tulubanuh - 8 12 – Vakeel's Fees - 69 4 9 146 8 9 Appeal: Institution Fee 50 – – Stamps - - 3 – – Vakeel's Fees - 69 4 9 122 4 9 268 13 6	Original Proceedings: Stamps - - 27 – – Tulubanuh - – 4 – Vakeel's Fees - 69 4 9 96 8 9 Appeal: Stamps - - 2 8 – Vakeel's Fees - 69 4 9 71 12 9 168 5 6	437 3 –	On its merits.
64	Hetram *v.* Mehudee Hossein -	Rs. 1,543. 13. -	Stamps - - 57 8 – Vakeel's Fees - 77 3 –	- - - - -	134 11 –	Ex parte.
65	Bijeh Ram and others - - } Pliffs. Appts. *v* Billas Singh and others - - } Defts. Respts.	Rs. 1,287. under a Bond.	Original Proceedings: Institution Fee 50 – – Stamps - - 23 8 – Tulubanuh - 12 – – Vakeel's Fees - 64 5 3 149 13 3 Appeal: Institution Fee 50 – – Stamps - - 3 8 – Vakeel's Fees - 64 5 6 117 13 6 267 10 9	Original Proceedings: Stamps - - 8 8 – Vakeel's Fees - 64 5 6 72 13 6 Appeal: For Copy of Decision - } 2 – – 74 13 6	342 8 3	Ex parte.
66	Thakoordoss and others - - } Pliffs Appts. *v* Lekraj and others, Defts Respts.	Rs. 1,441. 5. under a Bond.	Original Proceedings: Institution Fee 50 – – Stamps - - 16 8 – Tulubanuh - – 12 – Vakeel's Fees - 72 – 9 139 4 9 Appeal: Institution Fee 50 – – Stamps - - 3 – – Vakeel's Fees - 72 – 9 125 – 9 264 5 6	Original Proceedings: Stamps - - 23 – – Tulubanuh - 5 – – Vakeel's Fees - 72 – 9 100 – 9 Appeal: Stamps - - 2 – – 102 – 9	366 6 3	Ex parte.

Apenndix B.—APPEALS from Principal Sudder Ameens to Judge, from 1,000 Rupees to 5,000 Rupees—*continued.*

No.	NAMES OF PARTIES.	CLAIM.	Costs incurred by Plaintiff.	Costs incurred by Defendant.	Total Costs of Suit.	Whether tried on its Merits or Ex parte.
		FOR REAL PROPERTY:				
67	Imam Ali Khan v. Mussumat Nujeeboonissa.	For rent-free land and gardens; value of land according to 18 times its annual produce, and the gardens at their value, Rs. 4,717. 11.	Rs. a. p. Stamps - 159 8 – Tulubanuh - 2 4 – Vakeel's Fees - 235 14 –	Rs. a. p. Stamps - 9 8 – Vakeel's Fees - 235 14 –	Rs. a. p. 643 – –	On its merits.
68	Nusseerooddeen Ahmud and others - Plffs. Appts. v. Koodrutalee - Principal Deft.	For possession of Zemeendarrie land, assessed at Rs. 1,359. 4. 2. per annum.	Original Proceedings. Institution Fee 50 – – Stamps - 39 – – Tulubanuh - 3 8 – Vakeel's Fees - 67 15 3 160 7 3 Appeal. Institution Fee 50 – – Stamps - 8 8 – Tulubanuh - 1 12 – Vakeel's Fees - 55 – – 115 4 – 275 11 3	Original Proceedings. Stamps - 37 4 – Vakeel's Fees - 67 15 3 105 3 3 Appeal: Stamps - 15 – – Vakeel's Fees - 110 – – 125 – – 230 3 3	505 14 6	On its merits.
69	Behadoor Singh - Deft. Appt. v. Gunga Ram - - Plff. Respt.	For possession of Zemeendarrie land, assessed at Rs. 1,410 per annum.	Original Proceedings: Stamps - 24 8 – Tulubanuh - 1 8 – Vakeel's Fees - 70 8 – 96 8 – Appeal Institution Fee 50 – – Stamps - 3 8 – Vakeel's Fees - 54 – – 107 8 – 204 – –	Original Proceedings: Institution Fee 50 – – Stamps - 28 – – Tulubanuh - 3 12 – Vakeel's Fees - 70 8 – 152 4 – Appeal. Stamps - 3 – – Tulubanuh - 1 4 – Vakeel's Fees - 54 – – 58 4 – 210 8 –	414 8 –	On its merits.
70	Suna Ahmud v. Tufuzal Hossein -	For possession of rent-free land and rights Mosarof Durga, valued altogether at Rs. 2,751. 12.	Stamps - 119 – – Tulubanuh - 9 12 – Vakeel's Fees - 137 8 9	- - - - -	266 4 9	Ex parte.
71	Futteh Shah Khan and others - Defts. Appts. v. Bhola Singh and others - - Plffs. Respts.	For possession of Zemeendarrie lands, assessed at Rs. 1,150 per annum.	Original Proceedings: Stamps - 31 8 – Vakeel's Fees - 57 8 – 89 – – Appeal: Institution Fee 50 – – Stamps - 10 8 – Tulubanuh - – 4 – Vakeel's Fees - 57 8 – 118 4 – 207 4 –	Original Proceedings: Institution Fee 50 – – Stamps - 34 – – Tulubanuh - 8 – – Vakeel's Fees - 57 8 – 149 8 – Appeal. For Copy of Decision - 10 – – 159 8 –	366 12 –	Ex parte.
72	Koorban Hossein - Deft. Appt. v. Guffuroonnissa - Plff. Respt.	For possession of Zemeendarrie land, assessed at Rs. 1,235. 4. per annum.	Original Proceedings: Stamps - 29 – – Tulubanuh - – 4 – Vakeel's Fees - 61 12 – 91 – – Appeal: Institution Fee 50 – – Stamps - 7 8 – Tulubanuh - – 8 – Vakeel's Fees - 61 – – 119 – – 210 – –	Original Proceedings; Institution Fee 50 – – Stamps - 36 – – Tulubanuh - – 12 – Vakeel's Fees - 61 12 – 148 8 – Appeal: For Copy of Decision - 5 – – 153 8 –	363 8 –	Ex parte.

APPENDIX B.—*continued.*

No. 1.

STATEMENT, showing COST of LITIGATION in a Regular Suit (*i. e.* exceeding 5,000 Rupees),

N.B.—The Figures between Parentheses

Number of Case	NAMES OF PARTIES TO SUIT	Amount of Claim	Description of Suit	Expenses of Suit in the Court			
				Institution Fee	Other Stamps.	Tulbana.	Wukeels' Fees.
		Rs. a. p		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
41 of 1850	Daibee Singh - - - - - - - - Deft. Appt. - v. Bujroo Singh - - - - - - - - Plff Respt. -	7,067 8 -	--Possession of Land by Right of Inheritance	- - -	24 - -	- - -	335 - -
				(250 - -)	(18 - -)	(8 8 -)	(334 12 -)
				250 - -	42 - -	8 8 -	669 12 -
115 of 1850	Hursohai Mull - - - - - - - - Plff Appt. - v. Tarnee Churn - - - - - - - - Deft. Respt. -	7,561 5 2	--Possession of Land on Conditional Deed of Sale - -	250 - -	46 - -	4 14 -	301 8 6
				- - -	(68 8 -)	(1 11 -)	(301 8 6)
				250 - -	114 8 -	6 9 -	603 1 -
105 of 1844	Bhowanee Pershad and another - - - - Defts. Appts. v. Abud Alli Khan and another - - - - Plffs. Respts	10,892 - -	--Claim, Possession by Redemption -	- - -	36 8 -	- 12 -	398 - -
				(350 - -)	(46 8 -)	(1 12 -)	(398 - -)
				350 - -	83 - -	2 8 -	796 - -
206 of 1849	Moosst. Zainub Begum - - - - - Deft Appt. - v. Moosst. Beguma Bebee - - - - - Plff Respt. -	13,627 7 1	--Possession of Land by Right of Inheritance	- - -	68 8 -	9 4 -	419 11 -
				(350 - -)	(205 8 -)	(4 8 -)	(419 12 -)
				350 - -	274 - -	13 12 -	839 7 -
17 of 1841	Mohd Hussun and another - - - - Plffs. Appts - v. Ahumudoolla and others - - - - Defts. Respts.	9,954 12 -	--Possession of an Estate under mutual Agreement -	250 - -	75 - -	41 2 -	349 1 3
				- - -	(167 5 -)	(2 6 -)	(2,242 - -)
				250 - -	242 5 -	43 8 -	2,592 1 3
50 of 1847	Bustee Singh and others - - - - - Plffs. Appts - v. Ram Churn and others - - - - - Defts Respts	47,746 - -	--For Possession and Demarkation of Land - -	700 - -	9 8 -	7 8 -	777 7 3
				- - -	(16 - -)	- - -	(3,109 13 -)
				700 - -	25 8 -	7 8 -	3,887 4 3
57 of 1850	Huheeboollah - - - - - - - - Deft. Appt - v. Dowlut Ram - - - - - - - - Plff Respt. -	10,066 10 6	Claim on Bond	- - -	49 8 -	5 12 -	551 5 6
				(350 - -)	(43 8 -)	(10 4 -)	(351 5 6)
				350 - -	93 - -	16 - -	702 11 -
30 of 1849	Kishon Sahai - - - - - - - - Deft. Appt - v. Soorun Mull - - - - - - - - Plff Respt. -	6,649 1 3	--Claim on Account Books -	- - -	52 - -	4 8 -	285 - -
				(250 - -)	(48 8 -)	(21 - -)	(285 - -)
				250 - -	101 - -	25 8 -	570 - -
193 of 1849	Sheoballuck Singh - - - - - - - Deft. Appt. - v. Bainee Pershad - - - - - - - Plff Respt. -	6,783 12 -	--Claim on Mortgage Bond	- - -	2 8 -	- - -	285 2 -
				(250 - -)	(23 8 -)	(8 4 -)	(285 2 -)
				250 - -	26 - -	8 4 -	570 6 -
184 of 1849	Ramruttun - - - - - - - - Plff. Appt. - v. Bissal Singh and another - - - - - Defts. Respts.	5,335 1 1	--Claim on Account Books -	250 - -	26 - -	4 5 -	256 12 -
				- - -	(4 8 -)	(3 7 6)	(513 8 -)
				250 - -	30 8 -	7 12 6	770 4 -
110 of 1848	Punna Loll - - - - - - - - Plff Appt. - v. Sheikh Mehdee and another - - - - Defts. Respts.	5,788 2 6	--Claim, recovery of Amount advanced on Mortgage -	250 - -	6 8 -	11 4 -	260 12 3
				- - -	(3 8 -)	- - -	(265 12 3)
				250 - -	10 - -	11 4 -	526 8 6
98 of 1842	Isree Pershad Narain Singh - - - - Deft. Appt. - v. Koonj Behare - - - - - - - Plff Respt. -	14,967 10 9	--Claim on Deed of Agreement -	- - -	- - -	- - -	- - -
				(350 - -)	(16 8 -)	(6 2 -)	(449 5 6)
				350 - -	16 8 -	6 2 -	449 5 6

APPENDIX B.—*continued.*

No. 1.

from its Institution to its Termination, in the Appellate Court (Sudder Dewanny Adawlut).

denote Respondents' Expenses.

of First Instance.		Expenses of Suit in Appellate Court					AGGREGATE of the Two TOTAL COLUMNS	
Diet of Witnesses and Ameens' Fees	TOTAL.	Institution Fee	Other Stamps	Tulbana.	Wukeels' Fees	TOTAL		
Rs a. p	Rs a. p	Rs a p.	Rs a. p	Rs a. p	Rs a. p	Rs. a p	Rs a p	
- - -	359 - -	250 - -	2 - -	- - -	291 5 7	543 5 7	902 5 7	
- - -	(611 4 -)	- - -	(2 - -)	- - -	(291 5 7)	(293 5 7)	(904 9 7)	
- - -	970 4 -	250 - -	4 - -	- - -	582 11 2	836 11 2	1,806 15 2	
- - -	602 6 6	250 - -	8 - -	- - -	301 3 7	559 3 7	1,161 10 1	
- - -	(371 11 6)	- - -	(2 - -)	- - -	(301 3 7)	(303 3 7)	(674 15 1)	Both parties being present
- - -	974 2 -	250 - -	10 - -	- - -	602 7 2	862 7 2	1,836 9 2	
6 - -	441 4 -	350 - -	26 - -	- - -	433 14 9	809 14 9	1,251 2 9	
(32 - -)	(828 4 -)	- - -	(30 - -)	- - -	(433 14 9)	(463 14 9)	(1,292 2 9)	
38 - -	1,269 8 -	350 - -	56 - -	- - -	867 13 6	1,273 13 6	2,543 5 6	
15 - -	512 7 -	350 - -	10 - -	- - -	401 14 9	761 14 9	1,274 5 9	
(1 6 -)	(981 2 -)	- - -	- - -	- - -	- - -	- - -	(981 2 -)	
16 6 -	1,493 9 -	350 - -	10 - -	- - -	401 14 9	761 14 9	2,255 7 9	
2 3 -	717 6 3	250 - -	6 - -	- - -	349 - -	605 - -	1,322 6 3	*N B*—The costs of Wukeels' fees in this case, on the Respondents' side, arise from each Respondent having answered separately
- - -	(2,412 11 -)	- - -	- - -	- - -	- - -	- - -	(2,412 11 -)	
2 3 -	3,130 1 3	250 - -	6 - -	- - -	349 - -	605 - -	3,735 1 3	Disposed of in appeal without Respondents being summoned
- - -	1,494 7 3	700 - -	2 - -	- - -	777 7 3	1,479 7 3	2,973 14 6	*N B*—The costs of Wukeels' fees in this case, on Respondents' side, *arise from their having appointed* separate Pleaders, and having entered separate answers
- - -	(3,125 13 -)	- - -	- - -	- - -	- - -	- - -	(3,125 13 -)	
- - -	4,620 4 3	700 - -	2 - -	- - -	777 7 3	1,479 7 3	6,099 11 6	
27 9 6	434 3 -	250 - -	4 - -	- - -	307 6 8	561 6 8	995 9 8	
(6 9 -)	(761 10 6)	- - -	(4 - -)	- - -	(307 6 8)	(311 6 8)	(1,073 1 2)	
34 2 6	1,195 13 6	250 - -	8 - -	- - -	614 13 4	872 13 4	2,068 10 10	
- - -	342 - -	250 - -	8 - -	- - -	285 - -	543 - -	885 - -	
(22 8 -)	(627 - -)	- - -	(14 - -)	- - -	(285 - -)	(299 - -)	(926 - -)	Both parties being present.
22 8 -	969 - -	250 - -	22 - -	- - -	570 - -	842 - -	1,811 - -	
- - -	287 11 -	250 - -	2 - -	- - -	285 10 9	537 10 9	825 5 9	Besides the Appellant, there were, in the original suit, four other Defendants, who have not appealed, and whose expenses in the Lower Court have not been incorporated here, viz Rs 1,170 12.
- - -	(566 15 -)	- - -	(2 - -)	- - -	(285 10 9)	(287 10 9)	(854 9 9)	
- - -	854 10 -	250 - -	4 - -	- - -	571 5 6	825 5 6	1,679 15 6	
17 2 -	554 3 -	250 - -	4 - -	- - -	256 11 -	510 11 -	1,064 14 -	*N B*—The costs of Wukeels' fees in this case, on the Respondents' side, arise from each Respondent having answered separately
- - -	(521 7 6)	- - -	- - -	- - -	- - -	- - -	(521 7 6)	
17 2 -	1,075 10 6	250 - -	4 - -	- - -	256 11 -	510 11 -	1,586 5 6	
- - -	528 8 3	50 - -	2 - -	- - -	54 3 5	106 3 5	634 11 8	The Appellant has appealed only respecting a portion of his original claim, which had been dismissed by the Lower Court.
- - -	(269 4 3)	- - -	- - -	- - -	- - -	- - -	(269 4 3)	
- - -	797 12 6	50 - -	2 - -	- - -	54 3 5	106 3 5	903 15 11	Disposed of in appeal without Respondents being summoned
- - -	- - -	350 - -	2 - -	- - -	450 - -	802 - -	802 - -	This case was decided ex parte, also in Court of First Instance
- - -	(821 15 6)	- - -	- - -	- - -	- - -	- - -	(821 15 6)	
- - -	821 15 6	350 - -	2 - -	- - -	450 - -	802 - -	1,623 15 6	

APPENDIX B.—*continued.*

No. 2.

STATEMENT, showing COST of LITIGATION in a Case of SPECIAL APPEAL, from its Institution in Court

Number of Case	NAMES OF PARTIES.	Amount of Claim.	Description of Suit.	Expenses in Court of First Instance.					
				Institution Fee.	Other Stamps.	Tulbana.	Wukeels' Fees.	Diet of Witnesses and Ameens' Fees.	TOTAL.
		Rs. a. p		Rs. a. p.	Rs. a. p	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
78 of 1850	Shunkur Rai and others - - - Defts. Appts. v. Koonj Beharee and others - - Plffs. Resps.	39 - -	- - Possession of Land by expunging from the Collectorate Records the Names of Defendants -	- - -	1 - -	4 - -	2 - -	- 8 -	6 8 -
				4 - -	- - -	6 6 -	2 - -	- - -	12 6 -
				4 - -	- - -	10 6 -	4 - -	- 8 -	18 14 -
104 of 1850	Dya Gunesh and others - - - Defts. Appts. v. Maan - - - - - - Plff Respt -	30 - -	- - Possession of a piece of Land opposite a dwelling-house	- - -	5 8 -	- 12 6	1 8 -	1 14 -	9 10 6
				2 - -	2 - -	4 5 6	1 8 -	- 13 -	10 10 6
				2 - -	7 8 -	5 2 -	3 - -	2 11 -	20 5 -
184 of 1844	Unroodh Singh - - - - Plff. Appt. - v. Raja Dumur Singh - - - Deft. Respt -	700 - -	- - Possession by Redemption	32 - -	3 - -	3 - -	35 - -	32 - -	105 - -
				- - -	4 - -	- - -	35 - -	- - -	39 - -
				32 - -	7 - -	3 - -	70 - -	32 - -	144 - -
85 of 1850	Bukshoo - - - - - - Plff Appt - v. Syud Elihee Buksh Khan - - Deft Respt -	26 - -	- - Possession of a piece of Building-ground - -	2 - -	- - -	6 6 -	1 5 3	- - -	9 11 3
				- - -	- - -	1 2 -	1 5 3	3 - -	5 7 3
				2 - -	- - -	7 8 -	2 10 6	3 - -	15 2 6
98 of 1850	Soomair Singh - - - - Deft Appt. - v. Ajoodeea Pershad - - - - Plff Respt. -	330 6 9	- - Possession of Right in a Zemeendaree Estate, under Deed of Sale -	- - -	20 8 -	1 - -	16 8 -	- - -	38 - -
				32 - -	15 - -	3 - -	16 8 -	- - -	66 8 -
				32 - -	35 8 -	4 - -	33 - -	- - -	104 8 -
107 of 1850	Aloop Rae and others - - - Defts Appts. v. Sukhawut Alli and others - - Plffs. Respts.	100 - -	- - Possession of Land by cancelment of Settlement - -	- - -	- - -	- 12 -	5 - -	- - -	5 12 -
				8 - -	- - -	2 10 -	5 - -	- - -	15 10 -
				8 - -	- - -	3 6 -	10 - -	- - -	21 6 -
37 of 1848	Bhissul Singh - - - - Deft. Appt - v. Jowahir Mull - - - - - Plff. Respt. -	230 15 6	- - Claim on Rooqua or Note of Hand - -	- - -	- - -	14 8 -	11 8 9	- - -	26 - 9
				16 - -	- - -	16 11 6	11 8 9	- - -	44 4 3
				16 - -	- - -	31 3 6	23 1 6	- - -	70 5 -
151 of 1848	Bikurmajeet - - - - - Deft. Appt - v. Thumun Singh - - - - Plff. Respt -	82 10 -	Claim on Bond - -	- - -	1 - -	- - -	4 2 -	- - -	5 2 -
				8 - -	- - -	2 10 -	4 1 9	- - -	14 11 9
				8 - -	1 - -	2 10 -	8 3 9	- - -	19 13 9
180 of 1847	Elihee Buksh - - - - - Deft. Appt. - v. Mr. French - - - - - Plff. Respt -	42 2 3	- - Claim for Land Rent - -	- - -	- - -	- - -	2 1 9	- - -	2 1 9
				4 - -	- - -	- 8 -	2 1 9	- - -	6 9 9
				4 - -	- - -	- 8 -	4 3 6	- - -	8 11 6
6 of 1850	Hoormut Khan and others - - Plffs. Appts - v. Ruttay Khan and another - - Defts. Respts.	221 - -	Claim on Bond - -	16 - -	- - -	3 12 -	11 1 -	- - -	30 13 -
				- - -	- - -	- 12 -	11 1 -	- - -	11 13 -
				16 - -	- - -	4 8 -	22 2 -	- - -	42 10 -
111 of 1847	Jokhoo Loll - - - - - Plff. Appt - v. Kishn Koornar and others - - Defts. Respts.	575 13 6	- - Claim, recovery of Money advanced on Mortgage -	32 - -	13 - -	2 4 -	29 12 6	- - -	76 - 6
				- - -	10 8 -	- - -	86 5 6	- - -	96 13 6
				32 - -	23 8 -	2 4 -	115 2 -	- - -	172 14 -
168 of 1847	Ram Ruttun Singh and another - Plffs. Appts. - v. Sheikh Sadik Alli - - - - Deft. Respt. -	506 8 -	- - Claim, Rent of Land - -	32 - -	5 8 -	2 - -	25 5 3	- - -	64 13 3
				- - -	4 8 -	- 10 -	25 5 3	- - -	30 7 3
				32 - -	10 - -	2 10 -	50 10 6	- - -	93 4 6

APPENDIX B.—*continued.*

No. 2.

of Original Jurisdiction to Final Termination in Special Appellate Court (Sudder Dewanny Adawlut).

Expenses in Lower Appellate Court.					Expenses in Special Appeal.					Aggregate of the Three Total Columns.	
Institution Fee	Other Stamps	Tulbana	Wukeels' Fees	Total.	Institution Fee	Other Stamps.	Tulbana.	Wukeels' Fees.	Total.		
Rs. a. p	Rs. a. p	Rs a. p.	Rs a. p.	Rs a. p.	Rs. a. p	Rs. a. p.	Rs a p	Rs. a. p.	Rs a p	Rs a p.	
- - -	6 8 -	- - -	2 2 3	8 10 3	4 - -	2 - -	- - -	1 15 3	7 15 3	23 1 6	
4 - -	5 8 -	4 12 -	2 2 3	16 6 3	- - -	2 - -	- - -	1 15 3	3 15 3	32 11 6	
4 - -	12 - -	4 12 -	4 4 6	25 - 6	4 - -	4 - -	- - -	3 14 6	11 14 6	55 13 -	
- - -	3 - -	- - -	1 8 -	4 8 -	2 - -	4 - -	- - -	1 8 -	7 8 -	21 10 6	
2 - -	2 - -	1 13 -	1 8 -	7 4 -	- - -	6 - -	- - -	1 8 -	7 8 -	25 6 6	Both parties being present.
2 - -	5 - -	1 13 -	3 - -	11 12 -	2 - -	10 - -	- - -	3 - -	15 - -	47 1 -	
- - -	2 - -	- - -	35 - -	37 - -	32 - -	7 - -	- - -	35 - -	74 - -	216 - -	
32 - -	6 8 -	3 - -	35 - -	76 8 -	- - -	2 - -	- - -	35 - -	37 - -	152 8 -	
32 - -	8 8 -	3 - -	70 - -	113 8 -	32 - -	9 - -	- - -	70 - -	111 - -	368 8 -	
2 - -	5 8 -	1 8 -	1 10 -	10 10 -	2 - -	4 - -	- - -	1 4 9	7 4 9	27 10 -	
- - -	5 5 -	- - -	1 10 -	6 15 -	- - -	- - -	- - -	- - -	- - -	12 6 3	
2 - -	10 13 -	1 8 -	3 4 -	17 9 -	2 - -	4 - -	- - -	1 4 9	7 4 9	40 - 3	
- - -	1 8 -	- - -	16 8 -	18 - -	16 - -	4 - -	- - -	8 4 -	28 4 -	84 4 -	The Special Appeal was only for a portion of the Claim which had been decreed against Defendant.
32 - -	- 8 -	2 - -	16 8 -	51 - -	- - -	- - -	- - -	- - -	- - -	117 8 -	
32 - -	2 - -	2 - -	33 - -	69 - -	16 - -	4 - -	- - -	8 4 -	28 4 -	201 12 -	Disposed of without Respondents being summoned
8 - -	6 8 -	1 4 -	5 - -	20 12 -	8 - -	2 - -	- - -	5 - -	15 - -	41 8 -	
- - -	6 8 -	- - -	5 - -	11 8 -	- - -	- - -	- - -	- - -	- - -	27 2 -	
8 - -	13 - -	1 4 -	10 - -	32 4 -	8 - -	2 - -	- - -	5 - -	15 - -	68 10 -	
- - -	1 8 -	- - -	11 9 -	13 1 -	16 - -	2 - -	- - -	10 2 6	28 2 6	67 4 3	
16 - -	2 3 -	1 8 -	11 9 -	31 4 -	- - -	2 - -	- - -	10 2 6	12 2 6	87 10 9	
16 - -	3 11 -	1 8 -	23 2 -	44 5 -	16 - -	4 - -	- - -	20 5 -	40 5 -	154 15 -	
8 - -	2 - -	- 8 -	4 1 8	14 9 8	8 - -	8 - -	- - -	4 1 6	20 1 6	39 13 2	
- - -	- 8 -	- - -	4 1 -	4 9 -	- - -	2 - -	- - -	4 1 6	6 1 6	25 6 3	Both parties being present.
8 - -	2 8 -	- 8 -	8 2 8	19 2 8	8 - -	10 - -	- - -	8 3 -	26 3 -	65 3 5	
4 - -	3 - -	- - -	2 1 6	9 1 6	4 - -	2 - -	- - -	2 1 6	8 1 6	19 4 9	
- - -	2 8 -	- - -	2 1 6	4 9 6	- - -	2 - -	- - -	2 1 6	4 1 6	15 4 9	
4 - -	5 8 -	- - -	4 3 -	13 11 -	4 - -	4 - -	- - -	4 3 -	12 3 -	34 9 6	
- - -	2 4 -	- - -	11 - -	13 4 -	16 - -	2 - -	- - -	11 - -	29 - -	73 1 -	
16 - -	2 12 -	1 - -	11 - -	30 12 -	- - -	- - -	- - -	- - -	- - -	42 9 -	
16 - -	5 - -	1 - -	22 - -	44 - -	16 - -	2 - -	- - -	11 - -	29 - -	115 10 -	
32 - -	2 8 -	- - -	28 - -	62 8 -	32 - -	6 - -	- - -	28 12 6	66 12 6	205 5 -	
- - -	2 - -	- - -	- - -	2 - -	- - -	- - -	- - -	- - -	- - -	98 13 6	Disposed of without Respondents being summoned
32 - -	4 8 -	- - -	28 - -	64 8 -	32 - -	6 - -	- - -	28 12 6	66 12 6	304 2 6	
- - -	4 8 -	- 10 -	25 5 3	30 7 3	32 - -	4 - -	- - -	24 - -	60 - -	155 4 6	
32 - -	4 8 -	- 10 -	25 5 3	62 7 3	- - -	- - -	- - -	- - -	- - -	92 14 6	
32 - -	9 - -	1 4 -	50 10 6	92 14 6	32 - -	4 - -	- - -	24 - -	60 - -	248 3 -	

APPENDIX C.

Appendix C.

PAPER referred to in the Evidence of H. LUSHINGTON, Esq., 26th April 1853, Quest. 4612, p. 527.

NOTES ON TRIAL BY JURY.

(No. 33, Enclosure.)

FOURTEEN years have elapsed since Regulation VI. of 1832 was promulgated, a period sufficiently extended to give that enactment a fair trial.

It was declared at the time (Secretary to Government, Judicial Department, to Register Sudder Dewanny Adawlut, 16th October 1832) to be an experimental measure, and the hope was expressed, that "by means of it, information might be elicited to enable the Government to judge of the practicability and expediency of introducing throughout the country an efficient system of trial by jury."

The Government cannot have lost sight of this very important subject, and they are doubtless in possession of full information; nevertheless, the experience of 20 years, a sincere interest in the welfare of the native community, and the desire to be in some degree instrumental in conferring upon them the blessings of our noble institution, have encouraged me to record the following observations on the expediency and practicability of extending and improving the provisions of Regulation VI. of 1832, and of fixing the mode of procedure under that law.

The idea of settling any disputed point by the "verdict," or declared opinion, of their "equals" or brethren, has ever been familiar to the natives of India. The popularity and extensive use of the punchayet in past times are points upon which no two opinions are now held; "Punjmen Purmeshur," was a proverb before the Kings of Delhie granted to Englishmen the Dewanee of Bengal; it is so still; and if we were to carry our inquiries no further than into the private history of our domestic attendants, we should learn with surprise how constantly and how seriously their persons and property are affected by the decision of punchayets, and we might conclude, from their silent acquiescence, that the presence of the Deity was still acknowledged.

No officer of Government can have failed to observe how frequently the name of "punchayet" occurs in all judicial proceedings. The party whose interest it is to quote the decision of the arbitrators may not be able to prove it so circumstantially as might be required to render it evidence in a court of justice; but the instances in which the punchayets are alluded to in the pleadings, are innumerable, and rarely are they so alluded to without their having had existence.

Still more frequent have been the opportunities of observing the extensive use of punchayets possessed by the late settlement officers. From my own experience, I can safely say, that, except in the uncultivated parts of the country, I scarcely ever investigated any purely village question, which had not, at sometime or other, been brought before a punchayet. The heads of villages, and of larger divisions, have not now the local influence which they exercised under the native government, and to this may in some measure be attributed the disobedience of the losing party to the decision of the arbitrators of the present day. Section 3, Regulation VI. of 1813, than which no law has been enacted more consonant with the habits, or more suitable to the character of the people, was well calculated to remedy this evil, though its provisions have become of less moment since the completion of the settlements.

Yet the weight which attaches to the decisions of punchayets, not only amongst themselves, but even when brought before our civil and criminal courts, is as great as if they had emanated from any regularly constituted tribunal; indeed I question whether any Judge would interfere with the finding of a punchayet upon a matter of fact (which is the point now) if he were satisfied that the members, having been appointed with the consent of the parties, had held sittings, and come to a determination. I will here mention very shortly only two instances which have particularly struck me, one of which passed before me officially.

In the Sudder Dewanny Adawlut of the Presidency, the claim of a woman to property, which had devolved on her at the death of her parents, was dismissed, because a punchayet had before decided that she had forfeited her claim by her profligate conduct. [*See* Select Report, Sudder Dewanny Adawlut, vol. 2, page 257.]

A woman was unfaithful to her husband; a punchayet excommunicated him; and he, in consequence of the excommunication, not of the infidelity, murdered his wife, and was sentenced to perpetual imprisonment. This is not a happy instance of the value of punchayets; but at present our concern is with their power. The punchayet here alluded to caused the death of the woman, and indirectly saved the man from capital sentence.

I shall

I shall in another place record the result of my personal experience as to the general fitness of natives of the middle classes for the office of juror, and of the accuracy of their verdicts. As members of a punchayet, their competency has never been questioned amongst themselves, neither need we trouble ourselves to doubt it; and in regard to accuracy, had they been often wrong, the people would have ceased to recognise the divinity of their decisions.

This accuracy has no doubt been obtained in a very great degree by the operation of a principle once admitted in English law; viz., that private knowledge of facts had as much right to sway the judgment of a jury, as the evidence delivered in court. The native arbitrators were generally persons taken from the neighbourhood (*de vicineto*), and might have brought in a verdict whether proof was produced by either party or not. Could we secure the services of such persons on juries, we should doubtless derive full advantage from their local information, except in particular cases, where their respect for caste or other prejudices interfered with the integrity of their judgment; but, under the present system, no persons would be available for juries except those who resided near the Sudder station, and these would not possess any of that "private knowledge of the facts" which I believe to have contributed largely to the character of infallibility enjoyed by Indian punchayets. Nevertheless there is much left of which we ought to avail ourselves; and we may relinquish without regret any benefit supposed to be derivable from privately informed juries, when we remember that reliance on them is by many persons considered dangerous.

Let it not be supposed that I reason under the influence of any supposed analogy between England and India; there cannot be a principle less fitted to guide our judgment in the affairs of this country; but if there be resemblance in any two of their institutions, it is between the jury of England and the punchayet of India, a resemblance which will be much stronger, if, in making the comparison, we take the former as they were in the days of the Plantagenets; both will then partake of the character of compurgators, and I desire to interfere no more with the pure native punchayet than is necessary to deprive it of this character. The natives, who find the facts, should be neither compurgators, members of a punchayet, nor assessors, but essentially jurymen.

The difference between a jury who possess a private knowledge of facts, and a jury who form their opinion upon the evidence submitted to them, is so great, that some persons have denied that any parallel at all could be drawn between them; and they believe that when punchayets, under the name of juries, cease to have a knowledge of facts, their decisions will be no better than those of a European Judge. I differ entirely from those who entertain this opinion. The possession of private information may be desirable, especially in India; but even if they do not possess this advantage, the natives are more able than ourselves to weigh the evidence of their own countrymen, and to estimate the value of circumstantial proof. Their intimate acquaintance with the innumerable and peculiar customs of the people, and of the agricultural population in particular, enables them to detect a falsehood when a European would have no idea of it, and to suggest questions which would never occur to a stranger. I am writing here not what I think, but what I have witnessed repeatedly; and I cannot too strongly deprecate the opinion that respectable natives, without private knowledge, are not better able to ascertain facts than the European Judges themselves.

However highly esteemed and valued by the people of England trial by jury may be, trial by punchayet is more valuable to the people of India. Many Englishmen have held that trial by jury was useful only in times of difficulty and danger, and that it was precious rather as a political than as a judicial institution. They have more confidence in the judgment of one man of talent, education, integrity and experience, than they have in the impression produced by evidence upon 12 ordinary men; and, except in times of public excitement, they had rather be tried without a jury than with one. I do not depreciate the merits of the Company's Judges if I say that such extreme confidence can never be justifiably placed in them. They are too widely separated from the natives by language, religion, habits of life, and modes of thinking, to deserve the unbounded trust placed by Englishmen in their own Judges. There would seem to be some natural impediment to the amalgamation of the two races. In what country would men pass the whole of their lives amongst intelligent natives without associating with them beyond a formal and occasional visit, and this, too, when they are denied all other society? In what other country would they, for 20 or 30 years, incessantly use the language of the natives, and yet rarely be able to express themselves in it with tolerable accuracy? In what other country would men be engaged from youth to age in fiscal and judicial duties, without at the last understanding the allusions to his habits, prejudices and superstitions made by every peasant who stands before them? Doubtless there are many exceptions, many officers whose acquirements are far superior to the average here described; but, generally speaking, the picture is not over-drawn; and it cannot be supposed that such Judges are as competent to decide upon facts as a body of moderately intelligent natives, who are thoroughly conversant with the peculiarities of the various castes and classes which inhabit this country. One of the best judges of the native character who ever rose to distinction in India (Sir Thomas Munro), has left it as his opinion, that "until the use of the punchayet in criminal cases was adopted, facts would never be so well found as they might be."

If the members of a jury were so dishonest as some people suppose, prisoners would frequently object to the individuals who compose it; they would "challenge:" and it is to be remembered, that in many cases the prosecutors in India would be just as likely to bribe or influence as the prisoners; yet in no one instance have I ever heard objections urged to the individuals who composed a jury, though I have invariably invited them. Avail-

Appendix C.

able jurymen are often much sought for, and if the occupation were profitable in any way, the people would not be so reluctant to attend.*

They are hard to convince, I think; but I have a better opinion of their ability and integrity than that which is entertained by many.

The high opinion of the decisions of Europeans entertained by the natives, allowing it to be as sincere as we all readily admit it to be, arises from their confidence in our disinterestedness and our integrity, not from any idea of our superior penetration and acumen; and we see every day how contentedly they submit to injustice if they are satisfied that pains have been taken to ascertain the truth. This may satisfy them; it ought not to satisfy us; and if by the introduction of trial by jury, under certain modifications, we can interweave the local knowledge of the punchayet with the laborious integrity of the European Judge, and thus attain to a nearer approximation to the truth, we shall have taken one great step towards the improvement of the condition of the natives, and shall be entitled to the gratitude of the most enduring people upon earth.

We have moreover introduced some change into the spirit and principles with which natives formerly prosecuted inquiries, and the innovation has not unfrequently been productive of wrong. Our respect for an oath has led us to attach the utmost importance to direct evidence; and until we are startled from our credulity by equally direct evidence on the other side, we refuse to allow ourselves to be (as we should say) unduly influenced by circumstances and impressions. The natives of India do not abhor perjury as we do, and it may be questioned whether the enactments regarding the administering of oaths have not aggravated the evil. Direct evidence thus becomes of less value, and we can supply the deficiency only by availing ourselves of the services of those who are able to draw their conclusions from other sources.

Besides the advantages to all concerned in court, some collateral benefit may be anticipated from the consideration which jurors will receive from their own countrymen; some moral effect may be hoped for from the nature of the duties upon which they will be engaged; the trust reposed in them will have a tendency to raise their national character, and to create in their minds an interest in the general welfare of the people. The Judge would learn from them, and they would learn from the Judge, and both parties would profit by the association.

I feel, whilst I write this, the reception which it will receive from many persons neither deficient in judgment, nor careless of the well-being of the natives. They will abruptly reject the idea of all these consequences, flowing from the mere attendance of a half-willing bunneeah, or an illiterate zumendar, and will condemn as premature, if not visionary, any efforts to raise their character, by giving them so minute a share in the internal administration of the country. It is indeed to be feared that the natives will not at first appreciate the boon which it is proposed to offer them; that the prisoner will not on all occasions be very solicitous whether he is tried by a Judge or by a jury; and that the jurors themselves will at first attend unwillingly. We ought not for such reasons to resign in despair the task of improving their moral condition. The resources of the native mind, like the resources of their country, require to be developed; there are hidden treasures in both: and the apathy and selfishness which seem to be wrapped round the hearts of the Hindostanies, are not more unpromising than the dry grass and barren rocks which conceal the locality of a gold mine. All experiments which have hitherto been made by employing the natives in offices of trust and importance have been successful. These persons, it is true, have been the most highly educated and most intelligent; but we begin at the wrong end if we strive to raise those only who have already succeeded in raising themselves. Let us now try the classes a few degrees below them, and let us hope that we shall not only find them as competent to the duties assigned them as our Principal Sudder Ameens and deputy collectors have proved themselves in their spheres, but that they will ultimately set a due value upon the trust which has been reposed in them, and become aware that they have taken the first step towards governing themselves. The improvement of a people is not the work of a day. The nature of the bunneeah or zemeendar will not be altered by the passing of a law. It is enough that the operation of that law should be acknowledged to have a beneficial tendency; and we need not fear that any peculiarity in the physical or mental constitution of the native of India should permanently blind him to the merits of an institution which, after the experience of centuries, Europe has pronounced to be good.

Are we, then, to introduce the system entire, or must we still be contented with an approximation? My opinion is, that we should confine the trial by jury to criminal cases. Compulsory attendance will at first be felt as a hardship, and will create feelings hostile to the growth of those sentiments which we are anxious to foster. If we require that all civil suits shall be tried with the assistance of a jury, the number of persons summoned will be very great, and the inconvenience will be proportionate. Every Moonsiff must have a jury; and unless his court could be itinerant, it would be scarcely practicable to supply him without subjecting

* *Note.*—"Cases have occurred, no doubt, in which jurors have not been influenced; but where they think the prisoner guilty, they often shrink from the odium of an honest verdict, if he be a man of any mark and position. Beyond the walls of the court-house no recompense for this odium awaits them, as in England, in the shape of public applause; neither does a dishonest finding subject them to even the feeblest visitation of public censure. It must very often have happened, too, that they have not been bribed only because the result of the trial does not rest with them."

"(signed) H. W. Deane."

Such is the opinion of one by no means incompetent to judge. All he says is true, to a certain extent; and I insert the note because I am seeking for truth, not advocating any particular measure.

subjecting the people to intolerable inconvenience. I speak comparatively when I say that Moonsiffs do not urgently require the assistance of juries, except in particular cases, whilst European Judges are now Judges of Appeal almost exclusively, and juries are rarely required in the disposal of this class of cases.

I merely touch upon this part of the subject, although it deserves serious consideration, if it be determined to introduce trial by jury into civil as well as criminal courts. For the present, however, the difficulty of procuring jurymen for all the Moonsiffs' cutcherries, the magnitude of the advance made by introducing the system even into our criminal courts, and the caution which is necessary in applying European principles to the government of India, have satisfied me that it will be wiser, first, to introduce the system there, where it is most wanted, and most likely to be valued: I shall not be sorry to find that, in the opinion of those with whom the decision rests, the introduction of the entire system is safe and practicable; but my own impression is, that it should be confined as yet to the criminal courts. Regulation VI. of 1832 might remain as it stands now; and all civil suits, the decision of which called for the assistance of natives, might still be disposed of according to the provisions of that enactment.

Experience.

Before we proceed to the detailed arrangements which will be necessary in carrying out the plan (and those will be numerous and troublesome), it is proper to consider how far the working of the experimental law warrants the extension of the principle upon which it was framed.

Upon this point my information is, of course, totally deficient; for, in the isolated position occupied by most functionaries in this country, they have little opportunity of profiting by the experience of each other. The Sudder Court will gather in this information from the several districts, and the result of the experience of many will decide those questions upon which the opinion of one can be of little value.

Yet I have not been engaged in judicial duties for six years without having gained some personal acquaintance with the subject, and to no one point in the civil or criminal administration of the country has my attention been turned with greater interest and constancy than to the working of Regulation VI. of 1832.

The first question naturally is, whether juries have hitherto found the facts as correctly as the European Judges, aided by the law officers, could have done. No one can directly answer this question. The officers who report upon the subject will give their own opinion, and the merit of those opinions must rest entirely upon the general character for ability, judgment and liberality of sentiment of those who maintain them. Even then conclusions must be drawn with infinite caution; for it is in human nature to prefer our own view of a case; and where a difference of opinion has occurred between a Judge and the jury, it is not improbable that the former will attribute it to the incapacity of the latter, rather than to any error of his own. It is waste of time to speculate upon that which cannot be usefully discussed without examining the returns from the several zillahs, and perusing the reports which it is assumed, will be required from the Judges whenever the question comes under consideration.

My own opinion is in favour of their decisions. I have never tried a criminal case without a jury. At Goruckpore, Ally-Gurk, Saharumpoor, Futtehpoor, and Moradabad, juries have invariably attended, and the instances in which I have set aside the verdict have been exceedingly rare. In some cases I do not deny that difference of opinion has existed; but unless the grounds of my opinion were sufficiently strong to warrant the setting aside of theirs, it may be allowed to be at least doubtful which of the two was right. I have never observed any arbitrary character in their verdicts; and in the conversations which I have not thought it irregular to hold with them after the case was finally disposed of, I have invariably found that they had paid attention to the proceedings, and were able to give a plausible, if not a satisfactory reason for any opinion which they may have entertained, and which, perhaps, to me had appeared unaccountable.

To assume that juries were wrong because they differed with the Judge, would be to assume that they were useless, except as a political institution.

Certainly, I have fancied on several occasions that the jurors were anxious to discover what my own opinion was; I may be doing them injustice, but it is not surprising that men, unaccustomed to the performance of judicial functions, should look anxiously for the support of their superiors, and, not having yet grasped the idea of independence, should meet their countrymen out of court with more pride and self-satisfaction when their verdict had been upheld, than they would have done had it been tacitly condemned. I see nothing very alarming in this; and, moreover, it would cease the moment their decisions were invested with legal force. It is much more astonishing that we should have been able to get respectable persons to attend to the proceedings, and to give in any verdict at all, when they know that their labour may be rendered superfluous, and almost ridiculous, by the silent neglect of the opinion delivered into court by them. It is sufficient to dishearten the most zealous, find that their aid had been solicited as a favour, and then rejected as good for nothing; and I confidently expect, that whenever the verdict is not liable to be set aside summarily, the natives will give their attendance with much greater alacrity, and that they will apply themselves to the discovery of the truth with energy, cheerfulness and perseverance.

It has been said that integrity is not to be expected from that class of natives from which the jurors must be drawn, exposed as they will be to every species of persuasion, and tempted to forget their honesty in the discharge of irresponsible duties. Upon this much-discussed question I shall here simply state the result of my own observations, leaving it to others to determine how far the general moral character of the natives entitles them to the privileges which it is proposed to confer upon them.

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The cases within my own knowledge in which any opportunity has been afforded for tampering with a jury must have been very few indeed, and those cases were well known to the European functionaries, who were, therefore, on their guard to prevent collusion. Few prisoners have the means of bribing; and in cases where religion or relationship might be supposed to have an influence, authority supplied the check which must hereafter be sought for in that improvement in the character of the people which the exercise of constitutional privileges will tend to produce. As far as my own experience goes, I see no reason to expect more than occasional evil from want of integrity, and that only at first. It has been urged that the natives of this country are unfit for witnesses, and that those who are unfit for witnesses, are unfit for jurors. I doubt whether this deserves grave refutation; one consideration alone seems to me to destroy all analogy, namely, that all classes of the natives are not equally unfit for witnesses, and the average of jurymen will be drawn from a class superior to that from which the average of witnesses are now drawn. Besides this, the witnesses in all civil, and in most criminal cases, are partisans; and if proper precautions are taken, it would be impossible to influence the jury, because no one would know what particular individuals would be impanneled. I find no fault, generally speaking, with the evidence of any traveller, or the like, to an affray, though the evidence in such cases is proverbially unworthy of credit; and I think, upon the whole, that we may calculate upon the same degree of integrity in jurymen as we now find in a disinterested witness of the same class; and, lastly, experience, the safest guide of all, has convinced me of the fact, that witnesses are not to be trusted, and that jurymen are. Hardly a single case has come before me in which the veracity of some of the witnesses has not been impugned, yet I have never heard any serious charge against the integrity of a jury: whether this arises from the causes hinted at in a note to a former passage, or from causes more honourable to the natives, is not of so much importance as it may at first appear to be. If by any means we can keep out dishonesty, we shall have gained our end, and secured the services of natives in "finding facts." The natives of the east, as well as those of the west, can affect a virtue when they have it not; and one of the best ways of inducing men to act virtuously, is to give them credit for virtues which they never possessed. If I were not afraid of wandering too far from my subject, I should here expatiate upon the assumed virtue of the natives. It will startle an European moralist to hear it asserted, that many of our ablest and most upright native functionaries enjoy the credit of having assumed integrity; the idea, however, and the practice, are both perfectly familiar to the natives. They may adopt honesty very much in opposition to their natural inclinations; but if they persevere in adherence to the rules of the order to which they have attached themselves, the result is integrity, and our end is gained.

The magistrates, I fear, will not be unanimous in favour of juries, and if they were consulted, I should not be surprised to find some distinguished names amongst those who are hostile to the measure. In cases committed by themselves, they have occasionally suspected the honesty of a verdict for acquittal; and though all my inquiries have failed in ascertaining that those suspicions were well founded, the mere fact of their retaining the impression prevents my hurrying to a conclusion. On the other hand, the case before the Sessions Judge is very often entirely different from the case which appeared before the magistrate, and unless the latter went through all the proceedings held in the trial, he could scarcely be competent to judge of the propriety of the verdict. Magistrates must also be supposed to have some little bias in cases committed to the sessions, which they themselves have already examined, and upon which they have already formally declared their opinion.

Jurors attend reluctantly, but their objections are not insuperable. I have become acquainted with several very intelligent and well-informed natives who had never been in the habit of visiting Europeans, and who came to see me, at my invitation, to explain privately the grounds upon which they prayed to be excused. The number of those who insisted upon the privilege of exemption has been small—so small as never materially to interfere with my proceedings; but if the utmost caution had not been used in granting the indulgence, as it was termed, and every effort made to attach disgrace to inability to sit as a juror, I should more than once have been reduced to difficulty. When once assembled, they are for the most part attentive and cheerful; and I have been forcibly struck by the rapid change of demeanor which often occurs in the jurors as soon as the case is opened. The air of ignorance, helplessness and immobility is laid aside, and in its place appear an acuteness and an interest in the case which surpassed all my expectations. The magic change, however, is not to be effected without an effort; they must be courteously treated, encouraged, perhaps even humoured, ere the wand of Comus ceases to move over them.

It is, I think, in some official paper at Suharunpoor, that I found the assertion, that no difficulty had been experienced in procuring jurors. When I went there, I found considerable difficulty; and it would be worth while to inquire by what means this disinclination had been overcome in the different zillahs. It is always easy to compel the attendance of vakeels and mookhtars, and there are always a few persons hanging about the cutcherries, who may be pressed into the service; but such attendance as this affords no criterion of the facility of procuring voluntary assistance; nor could we with safety draw any conclusions from the proceedings of such ill-constituted bodies.

The Hindoos appear, generally speaking, to take a smaller share in the investigation than the Mahomedans. These latter ordinarily take the lead, put questions to the witnesses, and probably dictate, if permitted, when they retire to consult upon the verdict. This might be expected from the characters of the two people, and from the relative political position in which they have for centuries been placed.

Nothing

Nothing of this difference is, however, discernible amongst the more highly educated classes, and it is fairly presumable that it will cease to be apparent amongst those to whom my remarks apply, so soon as they shall find themselves publicly treated with the same deference, and equally consulted in the administration of justice.

The number of jurors which I have usually employed is five; I should have preferred a larger number, but contented myself with these, for obvious reasons. One of the five was required to be familiar with the Persian character, capable of expressing clearly in writing the opinion of the jury, and of referring to the record should it be deemed necessary to do so. This foreman has been generally one of the vakeels of the court, all of whom acted in that capacity in rotation, and who, whether able or unable to conduct civil suits, have almost without exception proved themselves perfectly competent to the discharge of this particular duty. This practice of invariably employing an *ex-officio* foreman is, of course, only tolerated, and must be discontinued whenever his services can be safely dispensed with; but my object here is rather to show how I brought the law into operation, than to suggest new provisions; that will come under our consideration in another place.

The remaining four jurors were drawn from respectable residents, zemindars, mehajuns and shopkeepers, not from the mookhtars of the cutcherries. The same individual never appeared often enough for me to recognize him; few, therefore, could be familiar with the duty about to be assigned to them; yet they never seemed irrecoverably confused, or behaved in an unbecoming manner. Occasionally, on seeing a juryman take his seat, whose appearance bespoke him more than usually ignorant of the ways of the court, I have inquired of him whether he understood the nature of the duty he was called upon to perform, and the answer has always been given me in the word "punchayet;" the inhabitants of cities would perhaps use the word "assessors," but the village zemindars, the peasants, speak of the "punchayet."

The jury, thus constituted, were directed to find a general verdict, if possible; if not, a special verdict was never refused, provided it was distinct and precise; and, perhaps, considering the irregular manner in which offences are sometimes named in the calendar, as also the errors of translation which sometimes occur in recording the description of offence in the native languages, it would be as well to encourage special verdicts: the natives understand them better, and it then remains with the judge to determine whether the particular acts of which the prisoner has been found guilty, constitute the crime of which he has been accused.

No invariable rule was observed in regard to the duration of the attendance of each jury; on this point I was guided by circumstances; but after receiving their verdict upon one trial, I rarely experienced any difficulty in persuading them to remain for the others. They had overcome their dissatisfaction at being taken away from their business or amusements; they were possibly gratified by the courtesy with which they were scrupulously treated; they had discovered that no more was required of them than they felt themselves competent to perform; and they generally agreed to my proposal that they should sit upon another trial, with an alacrity altogether inconsistent with their previous reluctance.

They are apt to regard themselves rather in the light of assistant Judges than jurymen, which tends to raise their ideas of the duty which they have to perform; and this their view of the subject has been encouraged both by their reminiscences of the punchayet and by the different methods in which Regulation VI. of 1832 has been brought into operation; some Judges, availing themselves of the assistance of "assessors," and others employing "juries." No harm has been done by their entertaining a high idea of the duties of jurymen; for if their vanity is gratified, they will the more readily consent to some trifling inconvenience. Proposing to confine the trial by jury to criminal cases for the present, I should recommend the disuse of assessors; the difference will not be great, and amongst the jurymen we shall frequently find one or more capable of affording all the assistance which could be derived from regularly appointed assessors.

Trial by jury in India is, upon the whole, favourable to the prisoner. That it should be so under the present system, is not to be wondered at; for though a Judge would willingly exercise the discretion reposed in him by clause 5, section 3, Regulation VI. of 1832, when his own opinion was in favour of the innocence of the prisoner, he would not so readily set aside the acquittal by a jury, and pass sentence upon one whom they had declared not guilty. This must, in the long-run, operate in favour of prisoners. I am inclined, moreover, to think that, even if the decision of jurors becomes final, the prisoner will still have a better chance of escape than if he were tried without one.

It will take more proof to carry conviction to a jury than to a magistrate or a Judge; such, at least, is the inference which I am disposed to draw from experience. They would refuse to believe that certain characters could commit certain acts; they would attach greater weight to that which might be expected to occur, and less to that which was sworn to have occurred; they would not unfrequently act rather as compurgators than as jurors, and would bring in a verdict of not guilty against the evidence, because they could take their oaths that the prisoner was incapable of the act of which he was accused. But these, again, are the very occasions on which we hope to derive advantage from their superior practical information; and it does not follow that the guilty has escaped with impunity, because the jury acquits a man whom the Judge would have condemned.

Their disregard of confession has, however, attracted my attention, and suggested serious reflections. We are apt to regard deliberate confession before the magistrate as positive proof, and we are satisfied with inquiring whether the party confessing was in possession of his senses at the time, and whether persuasion or menace was employed in procuring his admissions.

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admissions. The natives of India think differently, and receive with extreme caution every declaration injurious to the party making it. Now, as a great portion of the prisoners sentenced in this country are convicted upon their own confession, there is some ground for apprehension that when verdicts become final, the guilty will escape oftener than they do now.

It is true that their distrust of confession has appeared to me extreme; but we must not make the mistake of assuming that they are wrong; this is not the place for discussing the point; but, in defence of the opinions of those whose condition I desire to improve, I trust I shall be excused for quoting a single sentence from the Commentaries on the Laws of England:—

They (confessions) "are the weakest and most suspicious of all testimony, ever liable to be obtained by artifice, false hopes, promise of favour, and menaces, seldom remembered accurately, or reported with due precision, and incapable, in their nature, of being disproved by other negative evidence."

Some of these objections do not apply in full force to the formally-recorded confessions of India, whilst others apply still more forcibly. The sentence deserves the attention of all European criminal authorities in India; the natives already recognize the truths which it contains.

It has been observed to me, that all these objections apply to Thannah confessions, not to confessions made before the magistrate: they will apply less to the latter than to the former; but "artifice, false hopes and promises," will easily persuade a prisoner to adhere at the Sudder station to any statement which he has made in the Mofussil; "menaces," of course, would have lost their power in a great measure.

The personal experience of any one individual upon such points as these, is insufficient to conduct even himself to a definite conclusion. Before any steps are taken, the opinions of all the Mofussil judicial officers would be called for, and until they are received it will be unsafe to answer the question proposed some time back, namely, "Whether the working of the experimental law warranted the extension of the principle upon which it was framed." The following observations refer to by far the most difficult part of the subject, the practicability of extending that principle.

The importance and variety of the numerous questions which immediately suggest themselves, the knowledge of English law and Indian custom necessary to entitle any one to form an opinion upon them, and the sense which I entertain of my own insufficiency, have almost warned me from entering upon the subject; but a beginning must be had somewhere, and fancy indulges the vision, that, in recording these observations, whatever their intrinsic value may be, I am, perhaps, taking the first step towards the introduction of an improvement into the judicial administration of the country.

The first question, according to natural order, is, for what cases are juries required, or, in other words, what cases shall be tried with, and what without them?

I propose that all trials in the Sessions Court, and all trials before a magistrate, in which he can legally pass a sentence beyond the limits prescribed by section 19, Regulation IX. of 1807, shall be tried with the assistance of a jury. I see no better division than this; it is simple, and easily understood. To extend the new mode of trial over all cases in the magistrate's cutchery would impede the transaction of business, and require too large a supply of jurors; and, on the other hand, the magistrate could not consistently exercise the functions of a criminal Judge conferred upon him by Regulation XII. of 1818, VIII. of 1828, and the like, without juries, whilst the sessions Judge was obliged by law to employ them upon all occasions. Some inconvenience might be felt in the magistrate's court; yet, "let it be again remembered," says the author already quoted, "that delays, and little inconveniences in the form of justice, are the price which all free nations must pay for their liberty in more substantial matters." We have not to deal with a free nation; but we are endeavouring to treat them as if they were free, and "we are conquering them into the enjoyment of true liberty, by insensibly putting them upon the same footing and making them fellow citizens with ourselves."

Supposing it to have been decided what cases are to be submitted to a jury, we are to inquire how that jury is to be composed. All persons residing within the jurisdiction of the Court might be declared liable to be summoned to sit on the jury, excepting the following classes:—

1st. Persons of infamous character.
2d. Persons of weak intellect.
3d. Persons of low caste.
4th. Paupers, or persons not possessing *Rs.* per mensem, or its equivalent.
5th. Persons ignorant of the anguage in which the proceedings of the Court are conducted.
6th. Persons above 70 years of age.
7th. Persons under 21 years of age.
8th. Members of the Civil Service.
9th. Military men.
10th. Persons specially exempted.

And all persons, with the exception of the first seven classes above enumerated, shall be capable of sitting on juries, whether residing within the jurisdiction of the Court or not.

On the first introduction of any new system, it would be desirable to encumber it as little as possible with details, and to leave it simple and comprehensive. If we were to attempt

to determine those circumstancee which constitute "infamy," or to enumerate the castes which are to be deemed "low," or to specify the parties to whom "exemptions" ought to be granted, we should involve ourselves in a complicated mass of details; we should incur the risk of making mistakes, and we might find that we had applied to the whole country provisions which were applicable only to particular parts of it. Much would still be left to the discretion of the executive authorities; but the Sudder Court would issue such instructions as they thought calculated to carry out the objects of the enactment, and every order passed might remain subject to the usual course of appeal. With such checks, it is reasonable to believe that no great inconvenience would be felt from the general terms of any rules which it might be thought necessary to prescribe, nor are we to forget that trial by jury has already been practically introduced, to a very great extent, without any rules at all.

It will be very difficult to supply the magistrate with proper juries, and it would be well if they could be dispensed with altogether in those Courts. I have already stated why this cannot be as regards those cases in which magistrates are criminal judges, and juries must, therefore, be provided for them. So long as the present excellent system obtains of trying a case the moment it is ready for decision, I do not see how it is possible to prevent the duty of sitting upon juries falling more heavily upon those who reside in the vicinity of the Courts, than upon those who reside at a distance. If jurors are to be brought in from all parts of the district alike, nothing less than a jury in constant attendance would meet the demands of the magistrate; for his cases are required to be taken up immediately, and there would be no time for jurors to come in from the Mofussil Either the cases must wait, or the jurors must be kept ready. In this difficulty, no better alternative presents itself than to allow the magistrate to summon his own juries from the neighbourhood of the place in which he is holding his cutchery. This is what would take place if no rules were laid down upon the subject, and if the authority who acted as sheriff was left to procure the attendance of a certain number of respectable men, as in England. The consequence, indeed, would be, that the same individuals would be repeatedly impanneled, than which nothing can be more objectionable, except the alternative already proposed.

For the court of the sessions Judge juries might be summoned from any part of the district, as in England; I believe they are summoned from any part of the country; all that would be necessary is, that the sessions should be held periodically. A certain number of "good men, and true," might be required to attend on the 1st of every month, and to remain in attendance until all the cases in the calendar had been disposed of. At present trials are held as soon as the attendance of the prosecutor and witnesses can be procured by the magistrate; then they would all be brought on at the beginning of each month.

The inconvenience to individuals would be much felt and more complained of; but it would occur very seldom, and it is, after all, no more than every person is liable to against whom his neighbour has cause of dissatisfaction, or whose evidence is required by litigants in any of our courts. The travelling expenses and subsistence might be allowed if demanded, but I do not think it would be necessary or wise to grant any further remuneration.

In preparing the "panel," the magistrate of the district should perform the functions of a sheriff, and the writ of *venire facias* would be represented by a general precept to procure the attendance of a jury on the day fixed for holding the next ensuing sessions.

The equalization of the burthen of attendance, by summoning the jurors from all parts of the district, involves the abandonment of a position to which great importance has been attached by all the natives with whom I have conversed, namely, that the jurors should be kept in ignorance of the cases which were to come before them up to the last moment. The time of summoning the jury thus becomes a subject of consideration: in England it seems to have been thought desirable that the names of the jurors should be given to the parties in civil suits, and to the prisoners in some cases, in order that they might be "ready with their challenges;" but in India the fear is, that the jurors would be tampered with if their names were known for any space of time before the trial. The jurors who have sat with me have rarely known that they were to sit at all until the morning of the trial; their disinterestedness is thus secured; but great apprehensions have frequently been expressed to me, by the natives themselves, that the same degree of integrity could not be expected if the jury were allowed time to become acquainted with the cases out of court. For this there is no remedy, unless the sessions juries are collected, as at present; and as it has already been proposed to collect the magistrates' juries, we are placed between the horns of a dilemma; either we lay the whole burthen of attendance upon those who reside in the vicinity of the Sudder station, for the sake of securing disinterestedness, or we expose the jurors to the chance of being tampered with for the sake of imposing an equal tax upon all.

Of the two alternatives, I prefer the latter; there is something anomalous, if not unjust, in granting to the inhabitants of a particular vicinity the privilege, or in imposing upon them the duty, of deciding upon the offences of the rest of the district, and I believe that means will be found of palliating the evil of exposing jurors to temptation. If the sessions are held periodically, as suggested above, there would always be more than one case for trial, and the Judge might call on whichever he pleased, dismissing that jury as soon as they had delivered their verdict, and employing another for the next case; or, as in England, a much larger number might be impanneled than would be required to form one jury, and the names might be taken by chance: challenges, too, must be allowed, of which I shall speak presently. The danger may be lessened by these and similar means; but the time which elapses between the receipt of the summons by the juror and the trial, should be made as short

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short as possible. It is to be hoped that in after years these precautions will be found to be superfluous.

It will not perhaps be necessary to fix any exact number as the only one of which a jury can be legally composed. A magistrate's jury might be less numerous than a judge's, not only because his cases are more trifling, but because he is supposed to require juries oftener, and, under the view of the matter taken above, because the members, being ordinarily summoned from the same neighbourhood, each individual's turn will come round more rapidly than if they were summoned from the district at large. No jury, however, should consist of less than five or six, nor of more than 12 or 13, according as odd or even numbers may be required, nor should any jury be formed without a due proportion of Mahomedans and Hindoos.

The magistrate being by law empowered to "cause attendance," there can be no fear of a trial being stopped for want of a jury; but as the process should ordinarily amount to no more than the service of a notice, parties neglecting to attend, should be liable to be fined. The fine should be realized by distraint only, and under no circumstances should the defaulter be subjected to personal imprisonment on account of non-attendance or non-payment of the forfeit. Farther, to make this new duty fall as lightly as possible on the people, any person summoned may be declared at liberty to provide a substitute, it resting with the magistrate to determine whether the substitute be fit to sit upon jury or not.

The privilege of challenging should be retained, though not exactly as it exists in England: as there are greater probability of jurors being prejudiced in India than in England, so is there the greater necessity for the preservation of this safeguard, and it is consonant with every principle of justice that these judges (for they are no less), should not be biassed against the prisoner. The magistrate will already have too much power in preparing the lists, and our little intercourse with the natives will incapacitate us from detecting the objections to any particular juror as readily as we might do in our own country. I hold it therefore highly expedient to extend to prisoners the right of challenging under certain modification.

The magistrate, acting as sheriff, must, in this country, and for the present, be assumed to be an "indifferent person," and, therefore, challenges to the array need not be allowed. It will never occur to the natives to demand such a privilege, and they will deem every purpose answered if they are permitted to object to individuals.

Challenges are of two kinds—

1st. Peremptory challenges.

2d. Challenges for cause

The former of this should be allowed to the prisoner only, and to what extent may be determined hereafter. The English law allows a great many challenges, and once allowed, still more; but no such license will be required in India, where a single peremptory challenge will be an extraordinary occurrence. To the number of challenges for cause shown, there should be no limit of course, and the privilege might be extended to the prosecutor, the magistrate or judge presiding in the court in which the trial was about to be held being authorized to decide finally upon the sufficiency of the causes assigned, and either to direct the challenged juror to take his seat, or to supply his place from the names remaining on the panel, or from elsewhere. The privilege of peremptory challenges might, perhaps, be confined to the court of the sessions Judge I am afraid of impeding the necessarily rapid proceedings of a magistrate's court; and, had it been possible, their names should have been mentioned only as the parties to whom it is proposed to confide the duty of returning the panel. They are, however, so completely criminal judges in some cases, that it is unavoidable to extend to them the rules enacted for other criminal courts.

It has been my invariable practice of late years to invite challenges from both parties. First, the jurymen themselves are called upon to declare if they have any acquaintance or connexion of any kind with the prisoner. On receiving an answer in the negative, the prosecutor is asked whether he objects to any of the jury; and, finally, the same question is put to the prisoner. In no one instance has either party availed itself of the opportunity afforded.

I do not think that any oath or solemn affirmation would influence the members of a jury. If they were base enough to betray the trust imposed on them, they would not be deterred by a preliminary appeal to the Deity, and, therefore, it seems better to give in to the prejudices of those natives who object even to solemn declarations, and to dispense with the ceremony altogether.

The treatment of jurors when selected and ready to enter upon their duties may seem a very minor point, but it is not so unimportent as it sounds. Some rules are required as to the manner in which they should be treated during the sitting, by which uniformity of practice would be ensured, and discussion anticipated. They will of course be provided with seats, and supplied with copies of the calendar in the Persian and Nagree characters; and a memorandum should, for some time to come, be placed in their hands, or read aloud to them, stating not what their duty is, for that they very well know, but in what manner they are to perform it. To an Englishman it may seem superfluous to tell a juryman that he is not to interrupt the Counsel or the Judge who is examining a witness, nor to express his half-formed opinion before the case is ended, nor to leave his seat without cause, and the like; but the ideas of the natives are drawn from their behaviour on punchayets, and there all these irregular practices are common. Their feelings would be hurt by any abrupt prohibition conveyed to them in open court, and it is but fair to tell them beforehand what we require

require of them. Besides, the object is to induce the natives to serve cheerfully upon juries, not to force them to do so. Englishmen grumble at being compelled to attend; but they understand their own importance when they are once in the box, and they behave accordingly. My own experience leads me to believe that the natives of India, if carefully managed, will behave precisely in the same way.

Nothing can be held to be of little moment which concerns the mutual behaviour of Judge and juries, otherwise I should have passed over these, comparatively speaking, minor points. There is, however, one concession which I found myself obliged to make unwillingly—I allude to the regular practice of almost all Mahomedan jurors to retire, for the purpose of praying, without any reference to the proceedings of the court. Knowing very well that slighter causes had often persuaded them to postpone their ceremonies, I was tempted to attribute these ostentatious devotions to some motive other than pure piety; but so many objections were made, that I gave up the point, and latterly have always allowed jurors to retire to say their prayers.

Should the trial extend beyond one day, the jury must be permitted to separate, and to return on the following day, when the court opens The objections to this are on the surface, and they apply more strongly in India than in England. There is only one reason for allowing the indulgence, and that has already been repeatedly alluded to The duty must be made as easy and agreeable to the natives as possible, and we must do all we can to win them into the appreciation of it. They would not readily admit the necessity of remaining together all night; for, still drawing their ideas of juries from their own punchayets, they would regard themselves as assessors or assistant judges, rather than as jurors; and yet it is as jurors only that their services will be found so peculiarly valuable.

Following the regular course of a trial, we now come to the summing up of the evidence by the Judge, if such a proceeding be thought fitting or practicable. I do not think that it ought to be attempted; and I speak with a full knowledge of the great attainments of many of the Company's civil servants, when I express my fears that the generality of the Judges would hesitate to charge a jury in the Hindoostanee language. It is not an easy thing for any man to do well, whatever advantages he may have derived from education and example; and if attempted in the present state of our knowledge and practice, we should run the risk of doing more harm than good. I rarely attempt it, and when I do, my remarks do not constitute anything approaching to a "charge" (which I conceive to be a comprehensive and argumentative abstract of the whole case, accompanied by the Judge's comments upon such parts as appeared to require them), but are confined to the few isolated observations, the necessity for making which has forced itself upon me in the course of the trial. The most profound and most respectful attention has ever been paid to me upon these occasions, yet I avoid them whenever I can; for I fear lest the jury should avail themselves of the supposed opportunity of discovering my sentiments as to the guilt or innocence of the prisoner; and that should be carefully concealed from them until they become more accustomed to the independent exercise of their own judgment.

Nevertheless it is frequently very necessary that observations should be made to the jury before they retire to consider their verdict; and this will readily be allowed, without the production of instances. The best way is to make the observation at the time when the necessity for it suggests itself. The jury will understand it much more easily then than at any other time, and any little error of language will be less likely to bear upon the verdict than if it had been uttered immediately before the jury left the box

Whatever may have been the origin of requiring unanimous verdicts from a jury, it is admitted that nothing so contrary to reason could ever be the object of direct enactment. It may have been necessary, out of a large number, to find 12 men who were satisfied with the proof adduced before sentence could be passed, or it may have had its rise in the 12 compurgators of the canon law, persons who swore that, from their knowledge of the prisoner's general character, they believed him to be innocent, certainly this state of things must have come about by slow degrees, and, monstrous as it sounds, might, like many other obscure parts of our common law, become more intelligible if we knew its history. No ages were ever so dark as to demand directly that 12 men, not agreeing in opinion, should be locked up, or fed on bread and water, till they did agree. They might be compelled to give in a unanimous verdict by some still shorter process, but beyond this they could not get without a miracle. The only method by which the present system can be reconciled with reason, is by supposing the law to mean that, unless the proof was so clear as to carry conviction to the minds of all the 12 men impanneled, a verdict should be found for the prisoner, an explanation which I believe to be unsupported by written authorities or by practice.

What attention, then, is to be paid by the court to a unanimous verdict, and what attention to verdicts in which only a majority of the jurors agree? When I first considered this subject, I entertained the idea that unanimous verdicts might be held to be final, subsequent observation has shaken that opinion, and I confess I am now afraid to go so far. The least that could be done is to require that all cases in which the Judge differs with a unanimous jury should be referred to the Nizamut Adawlut, which, after all, is merely placing the jury on the same footing, in regard to the weight to be attached to their opinion, with the Mahomedan law officers who used to sit on criminal trials It will increase the quantity of work in the superior court, but that is foreign to the present question, and, moreover, there is great necessity that this labour should be imposed upon them, since, as the law now stands, the power of the Judge is too great. Formerly, if the Mahomedan law officer and the Judge differed, the case was necessarily referred to a higher tribunal, but

Appendix C, now, if the jury unanimously disagree with the Judge, the latter has the power to pass sentence according to his own individual opinion. The only answer to this is, that the prisoner can appeal, and if it were as easy to make the appeal as to talk about it, the answer would be sufficient.

If it would not impose too much additional labour on the Judges of the Nizamut Adawlut, who certainly ought to have "time to think," I should like to see those cases also made referrible to them in which the Mofussil Judges differ with the majority of the jury. The number of cases, to judge by my own experience, would be very few, and they might be made still fewer by authoritatively fixing the proportion which shall constitute such legal majority.

The last step in a trial is the delivery of the verdict. On the conclusion of the trial, the jury should retire, as they do in England, and should not deliver their individual opinions at once, as they are sometimes permitted to do in this country. By giving them an opportunity of discussing the matter amongst themselves, unanimity is frequently obtained; for any erroneous impression is by this means easily removed from the mind of the dissenting party, or some point which had escaped him is brought prominently forward to his notice. I fear that if called upon to deliver their sentiments one by one, without retiring, the second speaker would on some occasions adopt the opinion of the first speaker, from timidity, from the fear of standing alone. Some of the Hindoos would be peculiarly obnoxious to this weakness, which would not affect them in the same degree were they seated in a room by themselves. As the practice now obtains, juries sometimes deliver their verdict by word of mouth, and sometimes in writing. It will tend to prevent discussion at a moment when it would be very ill-timed, if they were required always to give in a written paper, more especially as the courts would sometimes be compelled to receive conflicting opinions, the verbal delivery of which would provoke conversation, and tempt the parties to support their opinions by argument. Such a proceeding might, of course, be stopped by a Judge, but it is better to prevent than to check the indecorum.

Juries, as has been already observed, should find a general verdict if possible, stating no more than that the accused was guilty or not guilty of the crime named in the calendar; and, in the event of their not being able to bring in such general verdict, they should be permitted to find a special verdict, declaring the facts which had been proved, and leaving it to the Judge to declare what offence these facts constituted, and what penalty the law attached to that offence.

Some of the changes which have been suggested in the course of these notes, would require a new law to carry them into effect; and whenever the legislature may take the propriety of such an enactment into their consideration, many subjects which have not been alluded to will demand their attention; of this class is the responsibility of juries.

The Judges in England were in the habit of interfering with the decisions of juries up to a much later period than any one would suppose who contemplates their present independence. Sir William Blackstone says, they were "fined, imprisoned, or otherwise punished for finding their verdict contrary to the direction of the Judge." Even in India we have passed the period when such contradiction could be tolerated, but still it may be necessary to establish some check to the dishonest exercise of their vast power, by the juries. There would be no occasion to provide for the setting aside of a false verdict by attaint, since the authority of the Nizamut Adawlut remains unimpaired, and is competent to remedy all such mishaps, as soon as they become known; but individual members of the jury may be declared liable to be brought to trial for wilfully and knowingly giving in a wrong verdict, in consideration of some advantage, direct or indirect, present or prospective, accruing to themselves. No one except the Government should be allowed to prosecute. No public officer should be competent to direct a prosecution in their name without the sanction of the Nizamut Adawlut, and no trial should be held elsewhere or otherwise than in the sessions court before a special jury.

There is a class of persons amenable to the criminal laws enacted by the Government of India, whose interests are deeply involved in any alteration which may be introduced into the present system. All Europeans not being British subjects, all Americans and all East Indians, are, by section 5, Regulation VI. of 1832, liable to be tried by Regulation law, and would all frequently object to be tried by a jury of Mahomedans and Hindoos. Any enactment unconditionally declaring that such persons should be tried by jury composed of persons not being Mahomedans and Hindoos would, in some districts, run the risk of stopping the trial altogether; and I see no better alternative than a proviso that in such cases the returning officer shall impannel as many jurors as possible of the same class with the prisoner, leaving it, after all, optional with him whether he will be tried by such jury as the district affords, that is, "by the country," or by the Judge alone. The number of foreigners who would come before the courts is so exceedingly small, that rules might be framed for trying them at particular stations, where there would be no difficulty in forming an European jury, and then it will be easier to legislate for the single class of East Indians who would be left. Any such subdivisions are in themselves objectionable, and should be admitted only where the necessity is imperious.

The provisions of Regulation VI. of 1832 have been very generally introduced into the North-Western Provinces. By a memorandum, for which I am indebted to the present Register of the Sudder Court, I observe that, in 1843, out of about 1,500 trials, upward of 1,000 were held under Regulation VI., and, striking out the districts of Delhie, Benares, Saugor and Kumaon, it appears that of 1,099 cases, only 109 were tried without a jury. As this has been going on for 14 years (though, perhaps, not always to the same extent) the

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Nizamut Adawlut must be in possession of data upon which to form a judgment as to how far the Regulations have supplied the place of a criminal code. The instances in which they have been found wanting will be indicated by the number of cases referred to the Nizamut Adawlut under the proviso contained in clause 1, section 4, Regulation VI. of 1832; and if it shall appear that no such cases have been referred, the inference will be, that, as far as the experiment has been tried, the Regulations do constitute a criminal code, without there being any occasion to draw upon the Mahomedan law or the Nizamut Adawlut on account of cases not therein provided for.

I have attempted in this paper to explain the grounds upon which I hold it desirable to introduce trial by jury, or punchayet, more fully into the criminal courts of India. I have stated the result of my own experience of the working of the experimental law passed 14 years ago; and I have ventured to propose some of the arrangements and provisions which will be necessary whenever it may be determined to extend the principle of that law, or even to fix the mode of proceeding under the law as it now stands.

At one time I contemplated drafting a Regulation on the subject of these notes, and submitting it to the Nizamut Adawlut under Regulation XX. of 1793; but the number, difficulty and variety of the subjects involved, deterred me from expressing myself in the categorical language suitable to a legal enactment. A perusal of the minutes recorded previous to the promulgation of Regulation VI. of 1832, an examination of the returns made during the last 14 years to the Nizamut Adawlut, or a knowledge of the results of the experience of others, might change my opinions upon any one of the points which have been noticed. I by no means imagine that the view which I have taken must necessarily be sound, or that the opinions which I have expressed must necessarily be adhered to when their fallacy shall be made apparent.

(signed) H. Lushington,
Off^g Sessions Judge.

Futtehpore, 1844.

(True copy)
G. F. Edmonstone,
Register.

Agreeably to the instructions conveyed to me in question No. 4612, I have perused the above notes, written nearly ten years ago in India. The only opinion which I desire to modify is that which implies that natives should afford their aid on judicial trials exclusively as jurymen. The conviction that natives can find facts better than Europeans, a conviction in no degree weakened by subsequent experience, was the prevailing idea in my mind, and may have led to my apparently undervaluing them as assessors. The knowledge, however, which enables a native to find a fact, is precisely that which would make him useful as an assessor.

H. Lushington.

London,
6 May 1853.