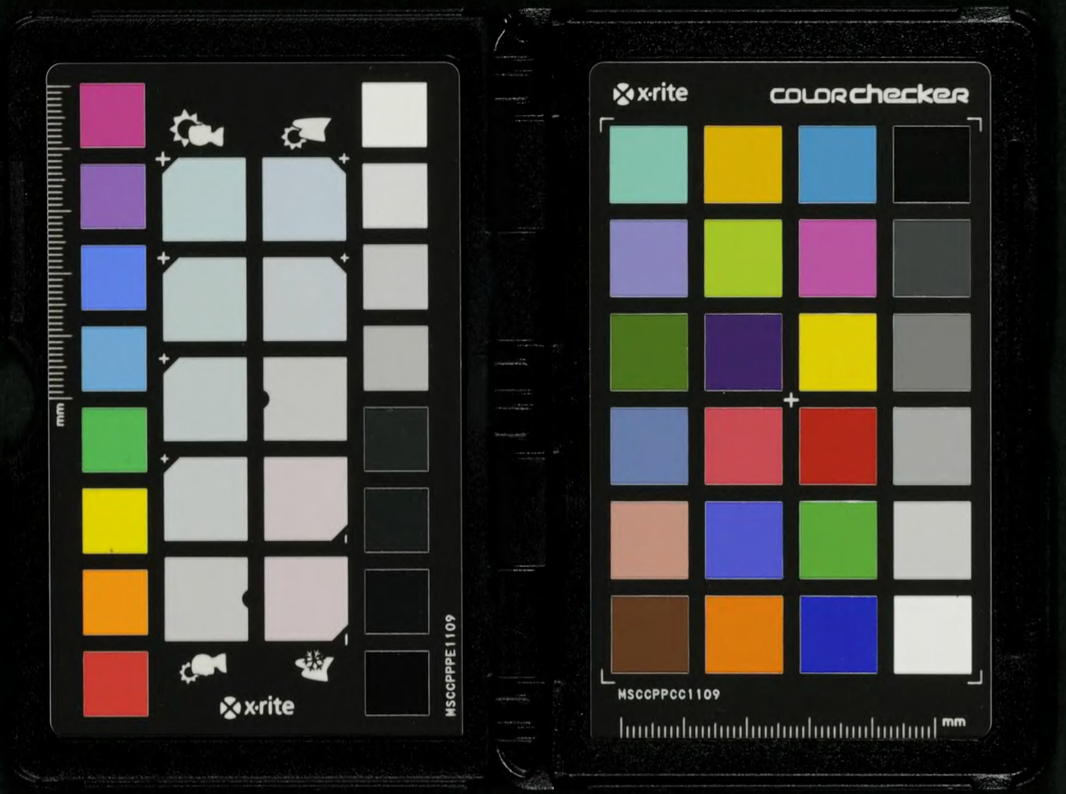

SPECIAL REPORT

ON

THE WORKING OF THE JAREJA COURT

IN THE PROVINCE OF CUTCH,

BY

MOTIRAM DULPUTRAM,

DEPUTY DEWAN,

AND PRESIDENT OF THE JAREJA COURT

AT

BHOOJ.

WITH APPENDICES.

Ishmahil Ochanan

SPECIAL REPORT

ON

THE WORKING OF THE JAREJA COURT IN THE PROVINCE OF CUTCH,

BY

MOTIRAM DULPUTRAM,

DEPUTY DEWAN, AND PRESIDENT OF THE JAREJA COURT AT

BHOOJ.

WITH APPENDICES.

Surat:

PRINTED AT THE

IRISH PRESBYTERIAN MISSION PRESS.

BY W. RAYMOND.

1872.

Para.

The President to be put in possession of the seal of the Court... 44
Authority given to the Jarejas to institute actions in their own names on behalf of their Ryots considered highly objectionable and mischievous... 45
The unusually long delay in the disposal of cases of a political character commented on and suggestion made to diminish this evil 46
The practice of requiring both the complainant and the accused to pay the expenses of summoning their respective witnesses considered objectionable 47
The ruling passed by the Political Agent in regard to the rate of fees leviable on suits to recover "Bhoag" discussed and considered wrong. 48
The practice of not receiving and recording original documents in civil cases considered wrong and likely to open a door to fraud 49
The practice of receiving evidence at any stage of a case without good cause shewn considered wrong and productive of mischievous consequences 50
Suggesting that suits in which the value is not ascertainable and now exempt from fees should be charged with fees according to a rate that may be fixed. 51
Impropriety of admitting plaints sent by post 52
Impropriety of admitting plaints made in the names of persons not before the Court and signed and presented by persons possessing no power of attorney. 53
Impropriety of filing suits against minors personally 54
Suggesting that the Court be empowered to charge the same highest rate for a Mohosul as is done by the Durbar ... 55
Suggesting that the peons of the Court be provided with belts and badges 56
Mischievous results arising from suits founded on old documents ranging from 20 to 100 years old described together with the character of the documents 57
Necessity of remedial measures for removing the evil consequences pointed out in para 57 58
Recommending the opening of a Registering Department for the registration of documents 59
Suggesting the enactment of a law of limitation... 60
Proposing the enactment of a Stamp Law 61
The beneficial effects of the preceding three measures 62

Para.

A commodious building for the Jail, an approved discipline therein and the desirability of teaching useful arts to the prisoners recommended 63

The question of civil imprisonment in execution of decrees discussed and civil imprisonment recommended in particular cases 64

Attention drawn to article 14 of the agreement 65

The power granted to the holders to try and determine suits filed against them by their Ryots discussed 66

The question whether there is any thing in the agreement empowering the holders to try criminal complaints against themselves,discussed 67

The general character and condition of the Jarejas more fully described, their lawless conduct arising from want of police arrangement. Measures suggesed for the police arrangement ... 68

Civil and criminal powers granted to the Holders abused and a proper supervision considered necessary 69

Recommending the appointment of a Carcoon on suitable pay well-versed in the trial of civil and criminal cases under each of the holders 70

Recommending that a monthly return of all civil cases as well as of criminal cases decided by the holder be required of him 71–72

Recommending the framing of a schedule of offences triable by the holders and the Court 73

Recommending that the Cutch Code be taken as a guide by the Holders in the trial of civil and criminal cases 74

Other suggestions in connection with the preceding subject reserved 75

Other subjects reserved for a future occasion 76

Apologizing for the freedom of language used in the report and tendering thanks to the Political Agent for the support given 77

CONTENTS.

Para.

Reason and object of the Report... 1

Number of civil cases on the Register 2

Number of civil cases not brought on the Register. 3

Number of plaints not brought on the Register, the reason thereof 4

Number of criminal cases on the Register. 5

Number of criminal cases not brought on the Register... ... 6

Total number of civil and criminal cases pending for disposal... 7

State of the Court in reference to its heavy work and complaints and sufferings of the people affected by it demanding the serious attention of Government 8

Proposing the appointment of three new judges of Judicial experience and suggesting the kind of work to be entrusted to each of them 9

Suggesting the desirability of vesting the president with certain discretionary powers 10

Proposing the summary adjudication of civil cases of particular description up to a limited amount. 11

Number of civil cases disposed of... 12

Number of criminal cases regarding prisoners in the Jail disposed of 13

Number of untried prisoners lying in the Jail and the causes of their detention 14

Total number of criminal cases disposed of 15

Suggesting the discontinuance of the practice of acting upon applications received by post from parties in a case 16

Disadvantages and mischievous consequences arising from levying the institution fees after the disposal of a case. 17

Illustration given of similar consequences having ensued elsewhere from not levying the institution fees beforehand ... 18

Bad effect on the public mind resulting from the aforesaid practice 19

Suggesting the necessity of demanding the institution fees at the time the plaint is presented 20

Suggesting the necessity of demanding a fee for the service of summons to the defendant at the time the plaint is presented... 21

Attention drawn to article 19 of the agreement 22

Cases of a political character exempted from fees. 23

	Para.
What cases are to be considered of a political character... ..	24
Disadvantages and mischievous consequences arising from the process of "Pala Mohosul" issued to the defendant described and the necessity of doing away with it urged	25
Necessity of enacting a rule limiting the period within which a dissatisfied party may appeal	26
The appellate Court staying execution of a decree on its own motion considered improper	27
The practice of the appellate Court staying execution of a decree before the admission of appeal considered improper	28
Practice of making over to the Mooktiar of a Jareja the serving of the Summons to the defendant considered detrimental to the defendant's interest...	29
The duty imposed upon the Court of finding out the defendant's property for executing the plaintiff's decree considered improper	30
Suggesting that witnesses summoned in civil cases be paid their expenses	31
Order of the Political Agent to charge half fee in civil cases decided on the award of arbitrators discussed and suggestion made to levy the whole fee	32
The practice of receiving answers to plaints from persons possessing no Mooktiarnama from the defendant considered objectionable	33
The practice of issuing processes to the Jarejas to send accused persons considered objectionable.	34
Conduct and character of the Jarejas and of the Jareja Judges described, the necessity of making the latter assessors shewn...	35,36,37
Prisoners convicted of crimes and sentenced to pay a fine or in default to suffer a certain term of imprisonment let off by the Jareja Judges without recovering the fine or making them suffer the alternative sentence of imprisonment	38
Imprisonment of prisoners for an indefinite period on account of "Vultur" in addition to the punishment they undergo on account of their crimes considered a cruel practice	39
Jarejas carrying swords and other arms with them when attending the Court considered objectionable.	40
The practice of smoking the Hooka by the Jarejas in open Court considered objectionable and a nuisance	41
Necessity shewn for a Dock in the Court to place the prisoners in when on their trial	42
The character of the bar of the Court described...	43

To,

COLONEL S. C. LAW,
Acting Political Agent,
Bhooj.

SIR,

As desired by you I have the honour to submit a special report exhibiting the state of the Jareja Court, in reference to the amount of work which it embraces, and the rules and practice which constitute its procedure; and offering various remarks and suggestions calculated to improve its working, and thereby to facilitate the administration of justice.

2. It will be seen from the Appendix No. 1 that there are 795 civil cases on the Register of this Court, of various descriptions, lying undisposed of for years.

3. From the Appendix No. 2 you will see that 2043 civil cases have not been brought on the Register, of which many were received from the Durbar when this Court was established three years ago. The rest which were on the Register were taken out therefrom by my predecessor and have been placed with those received from the Durbar and are designated—"Mooltuvee" *i.e.* postponed to be taken up when time might permit. I may state that some enquiries appear to have been made in all these cases, and they have been lying unnoticed for years and years.

4. Besides the above there are 84 plaints lying in the Court wherein the plaintiffs have not as yet paid the requisite expenses for issuing summonses. When a plaintiff pays the expense his plaint is brought on the Register, and summons is issued to the defendant.

5. Appendix No. 3 will show that there are 323 criminal

cases of various descriptions on the Register lying undisposed of for months and years.

6. Appendix No. 4 will show the number of criminal cases of various descriptions designated as "Mooltuvee," and lying undisposed of for years and years.

7. From the above you will see that the total number of civil cases is 2838, while the total number of criminal cases is 1152. The aggregate of both the civil and criminal cases amounts to 3990.

8. The aggregate number of civil and criminal cases, coupled with the large amount of miscellaneous work, including that of the execution Department, must, I respectfully submit, demand the serious attention of Government and yourself. The work is so heavy and multifarious that it would be vain to hope that it can be reduced with the existing inefficient machinery of the Court. It must be borne in mind that half of the territory of Cutch belongs to Jarejas, while the other half, which is termed Khalsa, belongs to the Durbar. In the Khalsa portion there are eight Adawluts each with an efficient staff, while the work of this Court would far exceed the aggregate work of all these Adawluts, and yet there are no more than eighteen carkoons employed in this court to do its work. It is simply to contend against impossibility. I cannot conceal the fact that hundreds of people daily clamour and cry out to have their cases taken up. They come here from long distances, stay here for Several days, and return disappointed. In this way many people suffer much ; and some are ruined. I feel much but have no remedy in my hand. The Court is bound hand and foot by a bad and wrong system of procedure which occasions delay in the disposal of cases ; and sometimes defeats justice itself. It has a most inefficient and insufficient machinery to go through the work, while its constitution is of an obstructive character, as I will notice hereafter. I am sure no Judicial Officer will ever boast of reducing the work under existing circumstances.

9. With a view therefore, to bring the chaotic state of the work of this Court into regular order, and to reduce it as much

as possible, I would propose to appoint three able men of judicial experience under me, whose salaries should be handsome. I would authorise one of them to Superintend the work of the Carcoons in the Civil Department, examine the witnesses and receive evidence in all light cases, and sign all processes and orders. In fact to act under my instructions. Another should similarly act in criminal cases ; and the third should undertake the charge of the execution Department, and to do the duties thereof. By the adoption of this measure cases would be prepared without delay, and I should have sufficient time to devote my undivided attention to the decision of cases and drawing up of minutes. At present I am engaged from 7 till 10 a. m. in signing processes, orders and various "Sheras," as well as in writing yadees &c. After I take my meal I attend the Court, and I leave it at 6 p. m. The greater portion of my time is absorbed in miscellaneous work, and in answering different people having business in the Court. If the proposal in question be carried out I shall be disengaged in the morning, and will be in a position to make use of that time in perusing difficult cases, and forming my opinion thereon. The decisions will thus be rapid, and I hope by this means to reduce the file and give satisfaction to the public.

10. With a view to facilitate further the working of the Court I should in the absence of any procedure code or law, be permitted to exercise my own Judgment and discretion in introducing what practice I would consider conducive to the interests of Justice. In fact I would wish my action to be unfettered. I am most unwilling to ask this privilege ; but I feel convinced that I shall not be able to get on with my work without it. I assure Government and yourself that I shall not abuse it. They may safely depend upon my mature age and judicial experience extending over a period of twenty years.

11. With a view to shorten much writing labour, and to ensure speedy decision of pecuniary claims founded on bonds and khatas, I would propose the summary adjudication of these cases as is done in the small cause Courts in the British territories. The decisions in these cases would be final and not appealable. I

would limit the amount to 1000 korees which are equal to Rupees 250.

12. I now proceed to show the civil work performed by me during the short time I have presided over this Court. You are aware that I assumed charge on the 25th December last when the days set down for hearing in a good many cases had passed away, and consequently I was obliged to fix the days for hearing these cases again. This took up some time. I have, however, up to this time been able to decide 148 civil cases.

13. When I took charge of this Court on the 25th December last there were 29 untried prisoners lying in the jail. Since my taking charge I have received five more, making in all 34 prisoners. Of these two charged with murder were detained in the jail for twenty months. I tried their case and finding them not guilty acquitted them. One was in the jail for twenty-one months charged with murder. I tried his case, and finding that he committed the act while in an unsound state of mind I acquitted him, and have ordered his detention in safe custody till he is declared by the Sub Assistt. Surgeon to be in a fit state to be released. Two others had been lying in the jail for the last twelve months charged with murder. I have sentenced one of them to be hanged until he be dead, and the other to seven year's imprisonment. Four prisoners had been in the Jail for four months and a half charged with theft. I tried their case and discharged them for want of proof. One had been in Jail for two months charged with grievous hurt, but the offence turned out to be so light that he was sentenced to ten days imprisonment. One had been in Jail for two months charged with aiding in the commission of theft and was sentenced to three month's imprisonment. Three had lain in the Jail, two for three months and the third for two months, charged with theft, and I convicted and sentenced each of them to six month's imprisonment. Three had been in Jail for three months charged with theft, and I discharged them for want of proof. Three were received in my time charged with Gang Robbery, and were detained in the Jail untried for only eight days, when I disposed of their case and sentenced each of them to suffer one year's imprisonment. Three charged with

Gang Robbery had been detained in Jail for eight months untried. I tried their case and discharged them for want of proof. One charged with Robbery was received in my time and his case was tried and decided by me on the same day on which he was received.

14. There are now only nine prisoners in the Jail whose cases remain to be disposed of. One has been lying in the Jail for the the last twenty-seven months charged with murder. Another has been in Jail for the last twenty-two months charged with murder. One is lying in Jail for the last 7½ months. I do not know for what offence. One has been lying in Jail for "Vultur" and other causes for nearly five years, and one has been for four years for similar reasons. One has been lying in Jail for the last fourteen months on account of cases pending against him. One has been lying in Jail for the last two months on account of certain enquiries ordered by this Court to be made and not completed by the Rahapoor Adawlut. One has been in the Jail for the last month—the enquiries in his case being still incomplete. One has been in Jail for the last 15 days only—there being many cases against him for disposal.

15. From the above you will see that out of the 29 Prisoners lying in Jail on the day on which I received charge of this Court I disposed of the cases of 23. I have further disposed of 30 criminal cases in which the prisoners were not in Jail. Altogether I have disposed of 41 criminal cases. Taking into consideration the large amount of civil work which I have daily to perform, the number of criminal cases disposed of by me within the short space of time that I have presided in this Court, will, I trust and hope, be considered satisfactory.

16. I now beg to direct your attention to the practice which has prevailed here of acting upon applications received by post from parties in a case. The applicants generally pray to have their cases postponed for two, three, or four months, assigning as a reason that they are engaged in some other work. One time the plaintiff applies for postponement and at another time the defendant, and the case is thus delayed from time to time.

Whether the request is refused or granted intimation must be conveyed to the applicant, and thus an unnecessary work devolves on the Court. The practice is altogether bad in law and principle. The Court is unable to know whether the reason assigned by the applicant is true or not ; there are many other strong reasons why such a practice should not obtain in a Court of Justice. I therefore entertain a confident hope that you will issue orders for putting a stop to it.

17. The rule that has been sanctioned for charging fees on plaints is, I think, unobjectionable as far as the rates are concerned, but it is highly objectionable in as much as it is to be levied after a decree is passed, and not at the time of the presentation of the plaint. The Court is put to the same trouble and difficulty in levying the fee from the losing party which a decree-holder experiences in recovering the amount of his decree. A different and proper rule obtains in your Court ; in as much as no appeal is admitted by you unless the requisite fee is paid by the appellant. The same practice prevails in all the Courts established by His Highness the Rao in the Khalsa portion of his territory. Why this Court should have been made an exception to the general rule, I am unable to understand. As a consequence the money-lenders generally without asking their debtors for payment take legal proceedings against them, as their doing so costs them nothing. The defendants on being served with summons feel anxiety at the unexpected step taken against them, and with a view to escape from being saddled with costs call upon the plaintiffs and settle with them out-side the Court, and the plaintiffs with the view of evading payment of the fees do not appear in Court on the day specified in the summons to give in a Rajeenama, and the suits are then struck off You will thus see that the moneylenders not only overreach the Court in avoiding payment of the institution fees, but also subject their debtors to trouble and annoyance by taking an unfair advantage of this Court in demanding payment. It is highly desirable and expedient that the creditors should know that they can only obtain the assistance of this Court in recovering their claims in case the debtors refuse to pay. The mischievous effect

of this anomalous rule is observable in other respects. It has given birth to some unfounded and vexatious cases, as the plaintiffs, having nothing to pay in the first instance, and being at liberty to withdraw from the suit whenever they like, gratify their spite against the defendants by dragging them into Court, subjecting them to anxiety, hardships and trouble, keeping them from their work, and putting them to unnecessary expense. It must be observed that litigation in such cases is protracted for years, and the defendants are the sufferers. The large number of suits which is being instituted in this Court chiefly arises from the tempting rule in question. In a good many plaints the plaintiffs do not pay the usual fee to take out summonses against the defendants ; they become careless as they have nothing to lose ; and attend the Court at their pleasure to pay the expenses of taking out summonses in those cases only which they are willing to conduct. The plaints are thus accumulated without being registered or any steps being taken on them. I mention with pain another fact which I think it my duty to bring to your notice. Since the establishment of this Court the total amount of institution fees which accrued as stated above on the decrees passed, comes to Korees 36924 ; of which only Korees 7815, have been realized, while I feel surprised to find no steps have been taken to realize the balance, which is a very large sum due by numerous persons. I fear it will be very difficult to recover the whole balance, as most probably some of the parties may be dead, others may be paupers ; while others may have absconded. This fact speaks for itself, and I leave it to you and Government to judge whether the pecuniary interest of His Highness the Rao has not greatly suffered in consequence of the adoption of the singular rule in question.

18. I may be permitted to observe in this place that after the introduction of the British Government into Surat so long as suits were permitted to be filed on plain paper consequences similar to those above described ensued and consequently Government felt the necessity and expediency of devising a stamp law for the purpose of taxing suits in that shape.

19. From the facts set forth above you will I trust feel satisfied

that the anomalous rule in question has produced a demoralizing effect on the public mind; and as the rule has been in practical operation for the last three years and borne fruit as described above, it may now be said to have had its fair trial and that therefore, it is high time that it should undergo the necessary modification.

20. I would therefore suggest the necessity of demanding the institution fee from the plaintiff at the time he presents his plaint.

21. I would at the same time suggest the necessity of demanding a fee from the plaintiff for the service of summons on the defendant, at the time he presents his plaint, as is the practice in all the Courts in the British territories.

22. As bearing on the subject discussed in the preceeding paras I beg to draw your attention to article 19 of the agreement which runs as under :—

> "The Rao shall have authority, with the concurrence of the Political Agent, to prescribe a reasonable scale of fees in cases brought before the Council, provided that no fees shall be leviable in cases of a political character."

23. From this it is clear that cases of a political character have been exempted from the institution fees leviable in civil cases.

24. The question, therefore, that arises for consideration, is, what cases are of a political character. Your predecessor has ruled that cases of a political nature embrace five descriptions of suits, *viz.* suits relating to Hucks, division of estate, boundary disputes, mortgage or sale of Gurrass, and other immoveable property of every description, and other suits having a direct or indirect interest in or connection with immoveable property. That able Officer Major Keatinge the late Political Agent of Kattyawar who inaugurated and organised a system of reform in that province in Para VI. of his Circular No. 1, dated the 21st January 1867, addressed to all Officers of the Kattyawar Political Agency, lays down the principal that when claims are for complete villages they must be treated politically; when portions or interests in villages only are concerned, it must depended on the

magnitude of the claim whether they are treated as political or civil cases. This doctrine appears to me to be sound. It is perfectly absurd to treat a claim for possession of a field as of a political nature. Boundary disputes arising between two villages may be considered of a political character; but boundary disputes in reference to two fields in a village are clearly civil cases. I am at a loss to understand why suits relating to mortgage or sale of Gurrass or other property should be treated as of a political character, and exempted from the payment of fees. I entirely fail to see the grounds which could convert suits of mortgage, sale, &c., into those of a political nature. Suits of mortgage, sale, &c., arise from pecuniary transactions, there is nothing of a political nature in them. With every respect for the opinion of your predecessor I feel reluctantly compelled to differ from him as regards his views respecting suits of a political nature. If my opinion, strengthened as it is, by the ruling of the late Political Agent of Kattyawar, be considered sound, the Durbar would appear to have lost a very considerable sum of institution fees on suits which have already been decided. The question demands an authoritative decision of Government, and I hope Government will now be pleased to decide this point for the future guidance of this Court.

25. The next subject to which I would request your particular attention relates to "Pala Mohosul" for the purpose of enforcing the attendance of the defendant to appear and answer the claim. When a plaint is presented a summons is issued in the first instance to the defendant, wherein the day for his appearance is fixed by the Court with reference to the place of his residence, and the time necessary for the service of the summons; and the day is so fixed as to allow him a sufficiently long time to enable him to appear in person, or by a Mooktiar, or by a pleader on such day. He however in almost all cases does not appear on the day so fixed; hence the process of "Pala Mohosul" is issued to enforce his attendance. The Pala Mohosul as a rule sits at his house for ten days to enforce his attendance, exacting $1\frac{1}{4}$ koree per day from him. He not only recovers $12\frac{1}{2}$ korees for the ten days he sits, but also recovers, at the same rate,

for the days that are taken up in going to and returning from the defendants' residence. After the full execution of this process the Court may proceed with the case, *exparte*. It must be borne in mind that plaintiffs are generally residents of different places some of which are 30, some 40, some 50, and so on, up to 100 miles from Bhooj. From these distant places the plaintiffs attend here incurring the expenses of travelling; and stay here for some-time to enable them to get their plaints prepared. After the preparation of plaints they present them to the Court and pay the necessary expenses for the service of summons, and as the time fixed for the appearance of the defendant is a long one they return home. The defendant as a rule does not attend on the day fixed in the summons; for he knows that according to the practice of the Court a "Pala Mohosul" will be despatched to him. But the plaintiffs are obliged to attend on the day so fixed for the purpose of moving the Court to issue the second process of "Pala Mohosul," and further because in default of their appearance their suits would be struck off. After this they may, if they choose, stay here idling their time till the full execution of the second process, or may return home, and again come back at the proper time. From this it will be seen that plaintiffs are put to the greatest hardship, trouble and annoyance, as well as unnecessary expense, for generally paltry claims of 50, 100, 200 or 300 korees (a koree is equal to a quarter rupee). As it is generally understood by all the people that a second process of "Pala Mohosul" necessarily follows the first process of summons, the defendant does not attend to the first process, and consequently the object of the first process is thus frustrated. These facts will clearly shew that cases are thus protracted at the expense of the plaintiffs. I am at a loss to understand why the attendance of the defendant should be *enforced* by a "Pala Mohosul," and $1\frac{1}{4}$ Koree should be exacted from him every day, as the expense which he thus incurs is not recoverable at all, in consequence of its not being included among the costs payable by the decree if the case goes against the plaintiff. Reason and common-sense would dictate the wise policy of leaving it to the option of the defendant to appear and answer the claim; and consequently the first process of summons is a sufficient notice to the defendant to appear and answer the claim. If he chooses to appear he may appear and defend himself. If he has a good defence to make against the plaintiff's claim and neglect to attend the Court he suffers for his own fault. If an *exparte* decision is passed and he afterwards satisfies the Court that he has valid grounds to urge against the claim, and that certain circumstances beyond his control prevented him from personally attending or appointing a Vakeel or Mooktiar to make his defence, the Court would set-aside the decree and try the case *de novo*. I am not aware of any law or any principle of equity which would *compel* a defendant to appear and answer the claim. I am, therefore, strongly of opinion that the second process of "Pala Mohosul" to enforce the attendance of the defendant should be done away with, as it not only causes unnecessary delay in the disposal of cases, but puts both parties to needless expense, trouble, and annoyance.

26. The next point that I would urge on your consideration is the absence of any rule limiting the period within which a dissatisfied party may appeal against the decision of this Court. According to the prevaling practice he can appeal *ad libitum*, and after the lapse of any number of years. Any judicial mind can easily imagine the mischievous consequences which flow from such a practice. In the first place the dignity of this Court greatly suffers from its decisions being liable to be upset at any time. In the second place the decree-holders of this Court are placed in a false, anxious and uncertain position as regards their decrees. Instead of executing their decrees, most of them patiently wait a sufficiently long time to see whether the opposing parties mean to appeal or not. When they eventually apply for execution, and considerable progress has been made therein, an appeal is preferred and an order is issued to this Court to stay execution, and the decree thus remains in *statu quo*, until the Appellate Court has found time to decide the appeal. The opinion of one Political Officer on several important points may be different from that of another Political Officer; and this is also one of the reasons why some of the dissatisfied parties wait and watch the

course of events and do not appeal for a long time. Whatever reasons there may be, one thing is certain that the decree-holders suffer considerably from the absence of the rule in question.

27. In connection with this subject I would observe that the rule for staying execution as soon as an appeal is preferred is most mischievous. The Appellate Court should not of its own motion stay execution of the decree. The appellant if he chooses may make an application to that effect, and if he is able to shew good and sufficient reasons for staying the execution the Appellate Court may either demand security from the Respondent, or adopt some other measures as may seem to it meet and proper, or stay execution. Until the Appellate Court is moved by the appellant I am of opinion that it is not justified of its own motion to stay the execution of a decree.

28. I now solicit your attention to the practice which prevails in reference to the reception of appeals from the decisions of this Court. When an appeal is presented to you it is sent to this Court with orders to recover the fee due thereon. The Court then issues orders to the appellant to pay the fee, when he does so, the appeal is returned to you with an intimation to that effect. You then enter it on your register of appeals. Under the orders given by your predecessor, execution of the decree is stayed immediately on the receipt of the appeal by this court as stated above. The question, therefore, for consideration is whether it is just and proper to stay execution, after the reception or admission of appeal. I must say that when the appellant presents his petition of appeal, you only receive it, and when he pays the requisite fee, you admit it. Until therefore you admit it, the right to stay execution, does not accrue to the Appellate Court, except for special reasons. I am, therefore, of opinion that it is not just and proper to stay execution after reception of the appeal. This opinion of mine is much strengthened by the mischievous consequences which flow from the present practice. As there is no law or rule limiting the period of appeal, people delay preferring their appeals for months, nay years. The decree-holders generally wait a

long time to see whether their opponents mean to appeal or not. When they are no longer able to exercise patience they eventually apply for execution, and when a considerable progress is made therein, their opponents lodge their appeals which as stated above are forwarded to this Court for the recovery of the requisite fees thereon, and staying execution. The appellants seeing that the execution of the decree which prompted them to prefer their appeals, is stayed, delay paying the requisite fees for months and months. You will thus perceive that the decree-holders are cleverly deprived of the power of executing their decrees for a very long time without any justifiable cause whatever. It is therefore highly desirable and expedient that the appellant should not be permitted to play the trick he does at present. I would, therefore, most respectfully suggest that all persons desirous of appealing should in the first instance pay the requisite fee in this court and obtain from it a certificate to that effect. On the authority of this certificate which may be attached to the petition of appeal, the Appellate Court can at once admit the appeal and issue orders to this Court to stay execution if the appellant so desires it. If the present practice be modified to this extent, the appellant will not be able to practise the trick he plays at present with impunity, and the Court which has to issue repeated orders to the appellant to pay the fees, will be relieved of unnecessary trouble and correspondence.

29. I would beg to bring to your notice an objectionable practice which was introduced into this Court by your predecessor. It is this. When a suit is filed against the Ryot of a Jareja who has retained a Mooktiar in Bhooj, the serving of the summons on the defendant is made over to the Mooktiar. The Court has no means of ascertaining whether the Mooktiar duly served the summons on the defendant or not. If the Jareja is on bad terms with the Ryot against whom the action is brought he hardly gives him the summons, or if he gives it he purposely does this too late with the view of having an *exparte* decree passed against him. Moreover, these Mooktiars are generally so negligent that they do not give the summons within proper time

to the defendant to enable him to appear and defend himself, and as a necessary consequence the defendant suffers considerably. Why such an obstructive and objectionable practice should have been introduced, passes my comprehension. The interference of the Jareja or his Mooktiar in such matters without benefitting him in the least not only obstructs the course of justice but occasionally defeats justice itself. Justice demands that all obstacles in the way of its administration should be removed as far as practicable. I trust Government and yourself, will on mature consideration see the necessity of cancelling your predecessor's orders.

30. I now proceed to discuss the principle laid down by your predecessor in his Goojeratee yadee No. 392 dated the 11th October 1870, imposing upon this Court the duty of finding out the property of the defendant for the purpose of attaching it in execution of the plaintiff's decree. I must confess I was not a little surprised to meet with such a doctrine. That it is the interest and duty of the plaintiff to discover his defendant's property in view to attachment admits of no question. Law, equity, common sense and reason all concur in imposing this duty on the decree-holder. The Court has no means whatever of discovering the defendants' property. It is the interest of the plaintiff and not of the Court to execute the decree. If he discovers his defendants' property the Court can only assist him in ordering execution against that property. It cannot overstep this limit. If the property alleged by the plaintiff as belonging to his defendant be attached and sold, and it afterwards turns out to belong to another person, the plaintiff is responsible for his act to the real owner, he is liable to damages and not the Court; while under these circumstances the principle propounded by your predecessor would make the Court liable to damages. The principle enunciated by your predecessor practically favors the interest of one party more than the other, and on that ground also it is manifestly unjust and inequitable, and consequently inadmissable in a Court of justice. The principle is so clearly wrong in every point of view that it is unnecessary for me to offer further observations thereon. I can confidently

anticipate the concurrence of Government in the opinion I have above expressed.

31. I now beg to invite your attention to another subject in relation to the practice which prevails here of summoning witnesses in civil cases without paying them their expenses. If the witnesses be residents of Bhooj, it may be considered unnecessary to pay them, but most of them being residents of distant places they have to travel from 20 to 100 miles, to come here, and again to travel an equal distance when they return home. They are thus put to considerable expense on account of their travel and their stay at Bhooj. They are kept out of their respective occupations for several days; and being generally very poor they suffer considerably in a pecuniary point of view. The parties having nothing to pay do not hesitate to cite as many witnesses as they like. In the British Courts of Justice witnesses are paid their expenses; and there is no reason why the same practice should not prevail here. In all other Courts of His Highness the Rao, the witneses are paid their expenses. Why this Court should have been placed, in this respect, in an anomalous position I am unable to understand. I feel confident that under the circumstances set forth above, Government and yourself will see the necessity of furnishing this Court with a schedule providing a scale of expenses to be paid to different classes of people in reference to their different stations in life.

32. I now beg to ask your consideration to a principle laid down by your predecessor. In civil cases of a complicated character the Court, with the consent of the parties, appoints arbitrators whose names are generally submitted by the parties. The arbitrators under the instructions conveyed to them by the Court try the points referred to them, pass an award, and submit it to the Court. The Court has then to see whether the arbitrators have not gone beyond the power given to them. Whether their enquiries are complete and satisfactory. It has further to hear what the parties may have to say regarding the award. If the Court finds the award passed after due enquiry it records it in the case and passes a decree accordingly. If the award is incomplete in itself, if all the points referred to the

arbitrators have not been gone into, or in other words, the award is defective, the Court has to remand the case to the arbitrators with instructions to complete every thing in conformity with the instructions conveyed to them. In such a case as this, your predecessor lays down the principle that only half the fees should be levied from the party liable to costs. I do not understand why the Durbar's right to the whole fees should thus be curtailed. In the British Courts of justice where stamps are used in lieu of fees, half the value of the stamp is not returned to the plaintiff in such cases, the full stamp covering the claim is taken as in all other cases. A similar practice prevails in all the Courts established by His Highness the Rao. It is, I think, highly desirable, for any officer possessing no judicial training to adopt, as far as they are adaptable, the principles which govern the British Courts of justice. They are a safer guide to him than his own opinions. I hope and trust that Government and yourself will consider it proper to charge the full fees in cases of the above description.

33. I now beg to call your attention to a very extraordinary practice that has been permitted by the Jareja Judges to creep into this Court. Instead of the defendant appearing to put in his answer to the plaint a person, without any Mooktiarnama or power from him, appears representing himself as his brother, or father, or uncle, or friend, or Bhayad. *His ipse dixit* is taken for granted and he is allowed to put in an answer to the claim and conduct the whole case. No one knows whether he is really connected with the defendant as he represents himself to be. No one knows whether the defendant has deputed him on his behalf to answer the claim preferred against him. No one knows whether he is on good terms with the defendant or not, and no one knows whether the plaintiff has not set him up to confess judgment against the defendant. I am quite sure, no judicial mind can tolerate such a practice for one moment. It is fraught with mischief and fraud, and I therefore, almost feel certain that Government and yourself will issue strict orders to discontinue it altogether.

34. The next subject which deserves your consideration is

the practice which prevails here in the first instance of issuing a summons, then a "Pala Mohosul," and then a "Sowar Mohosul," to the Jarejas to send to this Court persons accused of committing crimes. The Jarejas do not send them for months although these different processes are issued to them. The "Pala Mohosul" and the Sowar Mohosul sit at their house as additional servants employed by them, they get their food from the Jarejas and quietly pass their time for doing nothing. In the meantime whether the Jareja himself or his Ryot be the accused party, every attempt is made by him to suborn witnesses and tamper with and suppress evidence. When this is accomplished the accused persons appear before the Court and the case as a matter of course generally breaks down. It must be borne in mind that delay in the preliminary investigation of criminal cases is dangerous, and often defeats Justice, and the criminals escape with impunity. This evil must be remedied at once and I would therefore strongly recommend the adoption of two processes; *viz.* summons and warrant, summons in the first instance should issue in all cases of petty crimes; if that is not attended to, a warrant. In all other cases of severe or serious complexion which may *prima facie* appear from certain preliminary enquiries to wear the aspect of truth, a warrant addressed to the accused and not to the Jareja, should issue for his apprehension and be executed against the accused without the interference of the Jareja. As the Jarejas do not send witnesses for months, the same course should be pursued in summoning witnesses in criminal cases.

35. I now proceed to draw your serious attention to a most important and delicate subject which an imperative sense of duty and regard for the public interest and welfare, compel me most reluctantly to notice but which I would heartily wish to avoid touching upon altogether.

36. The 5th article of the agreement runs as under:—

"The Dewan of His Highness the Rao and the Deputy Dewan shall be Members of the Council, provided that they shall not both be present at the same time in any meeting of the

Council, except a full meeting of all the Members. Three Members of the Council shall constitute a quorum, and the Dewan or Deputy Dewan being present shall be the President."

37. The provision embraced in this article would appear in theory to be a great safe-guard against the perpetration or perpetuation of injustice. It presupposes a state of things favorable to the accomplishment of the object contemplated thereby. If these conditions are wanting, the practical operation of the article would be productive of mischief and injustice. The Members of the Council should be men of moral character and must possess the necessary qualification to enable them to discharge their duties efficiently and independantly. This provision would answer and work well in a country where civilization and education have made palpable progress and produced a moralizing effect on the minds of the people. In all other places, the institution of Punchayet has failed altogether, and proved an engine of oppression and gross injustice. It is, therefore, not a matter of surprise to me at all that it should signally fail in producing its desired effect in a province far behind in education and civilization and where the moral sense of the mass is obtuse and obscure—the result of barbarism which has not as yet given up its sway. If any one labours under the impression that the Jarejas of this generation are better than those of by-gone days, I can assert without any fear of contradiction that it is not so. It is true they cannot commit those open acts of warfare and plunder in these days in consequence of the strong dread of the powerful British Government, but that they commit theft, robberies, rapine, violence, outrages, and all sorts of savage like crimes, is a fact beyond question. They frequently forcibly carry away the reaped crops of each other, frequently destroy the standing crops of one another and wound each other with swords. The Jarejas of different classes and villages, being at deadly enmity with each other, exercise all sorts of oppression on the Ryots of each other and wound each other with swords. Several murders have been committed and are being committed this way. Their own Ryots suffer from them much, their will is their law. The records of the Jareja Court are proofs positive of my

statement and one cannot but deeply lament such a state of things. It gives me extreme pain to be obliged to bring to the notice of Government that the four Jareja Judges who sit with me to administer Justice have been elected from this class of people. They are selfish, partial and obstructive, their sense of justice is entirely obscured by the predominating influence of self interest. They are cruel in the extreme, when their interest is at stake. I meet with obstruction at every step in the discharge of my duties. They being four, can easily out-vote me and carry their point. They have a direct or indirect interest in almost all important cases, civil and criminal. In fact, they are on one side or the other and I am therefore obliged to observe the greatest circumspection; each of these Judges is interested in numerous cases of their Ryots, with the Ryots of the other Jarejas, or those of Khalsa territory, and instead of acting as Judges, they play the part of an advocate. To secure their respective ends they lend their concurring vote to one another. In other cases they are influenced by recommendations, relationships, and various other reasons, to advocate the cause of one party or the other. They have personal cases of their own. As for example, the member Mr. Khengarjee has some eight important civil and criminial cases pending for disposal in this Court. It appears to me that Col. Shortt was so much disgusted and dissatisfied with him, as to induce him to write to this Court not to take up his cases until the Court could spare time to try them all at once. The object of writing this, most probably, was to postpone the trial of his cases to a long and indefinite period. Another member Mr. Poonjajee has several decrees passed against him and several cases are still pending against him. Although Mohosuls after Mohosuls have been despatched against him, he has not as yet satisfied the decrees against him. The other day, you are aware, he went with a gang of two hundred men to take away by force the produce of certain fields reaped, collected and heaped there. The parties whose produce it was having made an application to this Court, it was sent to you for consideration and orders. You directed me to despatch a Mohosul to Poonjajee, ordering him to desist from

committing this depredation. I accordingly did as you directed me. In defiance of all this, he forcibly carried away the whole produce of the field. My remarks as regards these two members apply with more or less force to the remaining two. The cruelty of these members will be seen from what follows. In the Month of kartic sumvut 1923 five persons were accused of robbery at the instance of the Judge Mr. Mookajee. They were imprisoned in the Jail. In the month of Vaisakh sumvut 1925, the case was decided against them and each of them was sentenced to imprisonment not exceeding one or two months. Although the other prisoners were discharged at the expiration of their respective terms of imprisonment, the prisoner Phool was not liberated, the Jareja judges insisted that he should be kept imprisoned until he paid—"Vultur" or compensation for the theft committed by him. He has been thus allowed to suffer imprisonment up to this time. Deducting the sentence of one month's imprisonment passed upon him for his crime he has been imprisoned for about six years for nothing. Your orders to release him were set at defiance. When your last order came to me the other day to release him I gave an order to that effect accordingly. Mr. Mookajee bitterly complained against this, but I released the prisoner without caring for his displeasure. There are still some prisoners who have been undergoing imprisonment for several years under circumstances similar to those above described at the instance of the Jareja Judge Mr. Raibjee. I might instance a good many criminal cases in which the prisoners were kept long imprisoned without being brought to trial and afterwards discharged for want of proof. If this is not cruelty, what it is, I would wish to understand. I must confess there are a good many cases which would exhibit gross injustice and cruelty on the part of the Jareja Judges but the fear of prolixity forbids me to touch upon them. I hope what I have shown above will suffice to carry conviction to Government that the appointment of these Jareja Judges, instead of facilitating and furthering the ends of Justice, has resulted in polluting and obstructing the pure stream of Justice and thus defeating the very object of their appointment. It must be

borne in mind that these Judges have had their fair trial for a number of years and that therefore, it is high time that their power to commit mischief by overruling or out-voting the President should cease altogether in the interest of the Public and of Justice. If it be thought that a new election should be made and the services of the present Judges be dispensed with, I must say, matters, instead of improving, will, I apprehend, be worse, because the Jarejas as a class are of the above description, and probably the new election may give us more troublesome and mischievous characters than what we have at present; and I am, therefore, of opinion that if Jareja Judges are at all to be retained, their position must be that of assessors only. Their functions must be no more at present until they improve, than that of the assessors sitting with the session Judges in the trial of criminal cases in the British territories. They may deliver their opinions and the President may act upon them if he agrees with them, and thus the power of committing mischief by over-ruling or out-voting the President will be taken out of their hands, and the President thus unfettered and unobstructed, will be able to discharge his duties conscientiously, fearlessly and independently. The Court when thus cleansed of its pollution will be able to administer pure, unalloyed, and substantial Justice. As all appeals lie to the Political Agent from the decision of this Court and as that officer is the controlling authority over this Court, the proceedings of the President are always under his supervision and correction. Unless some such measure is adopted I can confidently predict that no pure, substantial Justice will ever flow from this Court.

38. Another subject which must claim your special attention is this. Accused persons convicted of crimes and sentenced to pay a fine, are allowed to go away without paying the same. We have to recover korees 5717 on account of fines imposed in criminal cases from numerous persons, and it is now difficult to trace them out. When a sentence of fine is passed, an alternative sentence of imprisonment is also awarded, to take effect in default of the payment of the fine. The prisoners who did not pay the fine, ought to have been imprisoned as an alternative

punishment awarded to them, but nothing of the sort is done. The defaulting parties who are almost all Jarejas, and their Ryots have all been allowed to escape altogether with impunity by the Jareja Judges for the reasons given in para 35 of this Report. Instead of their trial, conviction and sentence having produced any good effect on them, they appear to have received a stimulus to persevere in their evil course of conduct. It is a matter of no little regret and surprise that guilty persons formally convicted and sentenced, were thus let off. In the British Courts of Justice if a Judge were to act in this way, he would not only be deposed from his office, but would also be criminally tried and severely punished but here the Jareja Judges enjoy a sort of immunity and I again feel compelled most reluctantly to reiterate my deliberate opinion that unless these Jareja Judges be made assessors as stated by me in para 35 it will be next to impossible to effect any permanent improvement in this Court.

39. I now beg to invite your particular attention to the following subject. If a person is convicted of theft or robbery, he is sentenced to a certain term of imprisonment, after its expiration he is not discharged from the Jail but again obliged to undergo imprisonment for an indefinite period on account of "Vultur" or compensation for the stolen property. In fact, the prisoner is punished twice for the same offence. I consider the practice to be a cruel one. If compensation is at all to be recovered, the complainant can do so from the property, if there be any, of the offender but I am at a loss to understand why he should be imprisoned a second time for an indefinite period. The practice itself is an index of the *bowelless* and truculent character of the Jarejas and is so repugnant to humanity that I trust and hope, Government and yourself will put a stop to it altogether.

40. I take this opportunity to bring to your notice that it has been the practice of this Court for the Jarejas whether they be plaintiffs, defendants or witnesses, to come there with their swords and other arms. I think the practice is most objectionable. It may some day or other, give rise to serious consequences. As these people generally are excitable and irritable, they may fly

into a rage at any moment. I leave the decision of this question to Government and yourself.

41. Another subject which calls for your consideration is the practice of smoking the "Hooka" by the Jarejas in open Court close to the seat of the President. The Jareja Judges bring with them their "Hookas" into Court. They not only smoke themselves but give them to almost all the Jarejas who are in Court. Sometimes the smoke they emit from their mouths is very offensive to me. If the plaintiffs, defendants, and witnesses are thus to smoke Hookas I must say, the practice is very indecent. It is a nuisance in Court. Some day or other I fear the Court-House will take fire, as the seat being on "Gadalas" sparks may sometime fall on them, and the "Gadalas" may catch fire. Decency and respect are essential elements to be observed in a Court of Justice. I feel almost certain that Government and yourself will issue orders for the abating of this nuisance.

42. The next subject which I would urge on your consideration is the necessity for a Dock in the Court for the purpose of placing the prisoners in, when on their trial. The prisoners are generally of fierce character, and it is desirable to prevent them from committing violence if they so wished. I suggest this merely as a safe guard and preventive measure.

43. The bar of this Court is composed of a set of men more remarkable for their stupidity and ignorance than for anything else. With the exception of one or two, the Vakeels know not how to frame a plaint, how to defend a client, what evidence to put in, and how to examine a witness. In fact, they know not how to conduct a case. A majority of them are more stupid than their clients. Instead of benefitting their cause, they frequently damage it. I think it highly necessary in the interest of the public that some measures should be taken to improve the bar.

44. I respectfully take this opportunity to observe that the seal of the Court over which I preside should be made over to me. The seal has hitherto been in your keeping. A carcoon on Rupees 75 per mensem has been employed by you merely to take all my processes and orders to your office for the purpose of

affixing the seal on them. He sits the whole day in Court idling away his time, as he says, he has no orders from you to do any other work of the Court. As the seal is affixed in your office, delay necessarily occurs in the despatch of the processes and orders. I must tell you that, when I was Moonsiff in the Surat Zilla, I had the seal of my Court with me, as also when I was Magistrate. Why the seal of the Jareja Court should not be in my keeping it is difficult for me to understand. Probably you may say that I may issue some processes or orders which it may not be advisable to have issued, and as they come under your supervision in consequence of their being sealed in your office, you can exercise a check over them. With reference to this I would most respectfully observe that any orders of this Court are only liable to interference in case an appeal is made to you by the aggrieved party. I am of opinion that any interference of the sort just alluded to is uncalled for, inadvisable, and undesirable for many cogent reasons. I must say that if my discretion, judgment and judicial experience extending over a period of twenty years be not trusted, I must confess myself unworthy of the position of President which I now have the honor to hold. It must further be admitted that a slur is cast upon the Court in not being trusted with its own seal. If I mistake not, His Highness the Rao has no objection whatever to the seal being made over to me. I therefore confidently hope and trust that you will be so good as to deliver the seal to me. The carcoon who is appointed to this duty may be usefully employed to assist the establishment in performing the work of the Court which is so heavy and multifarious.

45. I would now solicit your attention to a very extraordinary privilege conferred by your predecessor on the Jarejas authorizing them in their own names or those of their Mooktiars to institute actions on behalf of their Ryots. Common sense could easily foresee that the consequences of this privilege could be no other than deplorable. The Ryots thus deprived of their natural and inherent right to file and conduct their own suits are compelled as a matter of course to submit to all sorts of exactions, annoyances and hardships in inducing these lawless and merciless people or their Mooktiars to file and conduct suits on their behalf. As

the Jarejas have no personal interest in the matter. They so carelessly and badly conduct the cases as to jeopardize the interest of the Ryots. If unfortunately the Ryot happens to be on bad terms with the Jareja or his Mooktiar, he cannot bring an action and obtain redress. If, however, the Jareja files a suit, he conducts it in such a way as to lose it in the end, and thus injures the interest of the Ryot. If the Jareja is evil-disposed towards his Ryot, he may file without his permission or knowledge, a suit respecting certain of his rights, and manage it in such a way as to procure a rejection of the claim by the Court with the view of causing loss to his Ryot. The power so given to the Jarejas can be used in any way or shape they like. The consequences of this most obnoxious practice are serious and mischievous in the extreme. With all respect for your predecessor, I cannot help expressing my deliberate opinion that in his desire to raise the status of the Jarejas by conferring on them as many privileges as he could, he appears to have entirely overlooked their baneful and tyrrannous effects on the Ryots, and have lost sight altogether of the important fact that he was thereby creating, organizing and perpetuating a system of polished slavery so deeply detrimental to the welfare of those who have the misfortune to live in the villages of these Jarejas.

46. The next subject to which I would direct your attention is the unusually long delay that occurs in the disposal of cases of a political character. The parties do not attend to conduct cases of this description. If they do, they run away sometimes without permission and some times on some pretence or other, hence these cases are postponed from year to year. If a case is dismissed consequent on the non-attendance of the plaintiff, he suffers nothing as he can again bring the same action without having to pay any fees. Some persons sue, only with the intention of harrassing and annoying those with whom they are not on good terms. The exemption of such suits from the payment of institution fees is a great incentive to the prosecution of false and unfounded claims, and as your predecessor in his definition of cases of a political character appears to have included in it cases purely of a civil nature (vide para 24 of this report) people

are tempted to indulge in fruitless and vexatious litigation. This evil must be checked, and I would therefore suggest that, if a case of a political character is dismissed in default of the appearance of the plaintiff, he should not be allowed to institute a second action on the same subject without paying the requisite fees leviable in in civil cases. If this proposal be adopted, I think it will produce the desired effect.

47. I now notice a practice which, I think, ought not to be allowed to prevail in the interest of justice. In criminal cases both the complainant and the accused are required to pay the expenses of summoning their respective witnesses; the necessary consequence of this rule being that they do not summon as many witnesses as may be necessary to establish their respective allegations. The Court is thus placed in a difficult position to arrive at a satisfactory conclusion on the merits of the case. In the Courts of the British territories expenses of this kind are not exacted from the prosecutor and the accused. Government themselves pay the whole expenses; that this policy is a proper one in the administration of criminal justice, I think, admits of no question. I hope Government and yourself will concur in my view and order the discontinuance of the practice in question.

48. The next subject which I would notice is the ruling passed by your predecessor iu regard to the rate of fees leviable on suits to recover "Bhoag". It is necessary to state that the rate of fees chargeable upon claims for moveable property is korees 12½ per cent. while that for immoveable property is three per cent. I would define "Bhoag" to be a portion of the entire produce of a field which the owner is entitled to take from the cultivator in lieu of rental. Your predecessor in the first instance held "Bhoag" to be moveable property and ordered 12½ per cent. to be levied on suits of this description—he afterwards appears to have changed his opinion by declaring it to be immoveable property and ordering three per cent. to be levied. The question for consideration is —whether grain is moveable or immoveable property. If Government and youiself be of opinion that, any produce of land after its separation from it is immoveable property; I shall most cheerfully accede to that view. According to this, cotton, fruits, firewood

&c., may all be considered immoveable property. I however, leave the determination of this question to Government and yourself.

49. I now beg to draw your attention to the practice of not receiving and recording original documents in civil cases. If the Court wishes to see them, they are merely produced for that purpose by the parties but immediately taken back by them. The rule is to put in copies only. I think this practice is objectionable in as much as the parties are not placed in a proper position to examine each other's original documents inorder to enable them to raise objections as to their genuineness &c. According to the existing practice all documents relating to pecuniary claims such as bonds, Samaduskuts &c., altho' superseded by the terms of the decree are allowed to remain in possession of the plaintiff. This should not be the case, as such a practice is calculated to open a door to fraud. I would therefore suggest that all documents which are evidences of title &c., should in the first instance be recorded in the case, and when the time for preferring an appeal from the decision passed in the suit, has elapsed, or if an appeal has been preferred from such decision, then after the appeal has been finally disposed of, any person, whether a party to the suit or not, who may be desirous of receiving back any exhibit produced by him in the suit, shall be entitled on application to the Court to receive back the same, unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public Justice. I would however order the return of any exhibit for special reasons before the time limited. But in every case, a copy, properly certified, and made at the expense of the applicant, should be substituted for the original in the record of the suit. I hope Government and yourself will approve of this suggestion which is in accordance with the practice observed in the British Courts of Justice.

50. I now notice a practice which, I think, should be discontinued. The parties to a suit are in the habit of producing their evidence at any stage of the case, and as the Court receives it, the habit is much strengthened in them. It is for this reason

chiefly that it takes a long time to complete the necessary enquiries into cases. I would therefore suggest that at the first hearing of the suit, the Court should enquire and ascertain upon what questions of law or fact the parties are at issue and thereupon frame and record the issues of law and fact on which the right decision of the case may depend. It should then fix another day for the production of evidence. On this day the parties or their pleaders should produce all their documentary evidence of every description and obtain on application to the Court, summonses to witnesses or other persons to attend either to give evidence or to produce documents. This rule must be strictly observed and no documentary evidence of any kind, which the parties or any of them may desire to produce, should be received by the Court at any subsequent stage of the proceedings, unless good cause be shewu to its satisfaction for the non-production thereof on the day appointed for that purpose. I may at the same time observe that if an appeal is preferred and the appellant complains against this Court for not having received his evidence produced at a late stage of the proceedings, the reason why he could not producce the evidence at the proper time must only be taken into consideration. If the reason urged be good and satisfactory the appellate Court may either remand the case for its reception or take the same before itself. No amount of entreaties should move the appellate Court to order its reception, for such a step would not only weaken the efforts of this Court in the right direction but would also produce a laxity in practice. I am fully sensible that this proposal must in the first instance be carried out mildly till a habit of punctuality is acquired by the people. If the above suggestion meets the approval of Government and yourself, I shall be most happy to carry it out with moderation and discretion.

51. Another Subject which calls for your consideration, is that suits for the restitution of conjugal rights, for the solemnization of marriage, and suits of other description in which the value is not ascertainable, are exempt from the payment of institution fees. I am aware that such suits are preferred on stamp paper in the British Courts of Justice according to

the value prescribed in the stamp law. In the Khalsa portion of the territory such suits are not exempt from the payment of fees. I see no reason why they should be tried and determined in this Court *gratis*. We can easily fix a scale of fees for them. I trust you will approve of this suggestion.

52. The next subject to which I would direct your attention, is that some people instead of presenting plaints either in person or by Vakeel or Mooktiar, send them by post, and the plaints are admitted. I consider the practice very objectionable and trust you will at once agree with me that it should be put a stop to.

53. I now notice a practice which in my opinion should be discontinued. **A** presents a plaint in the name of **B** signing it himself and then conducts the whole case. He alleges himself to be the son, or brother, or uncle or some other relation of **B**. He possesses no power of attorney from **B**. either to sign the plaint or conduct the case. I consider this practice most objectionable, as liable to be abused, and productive of mischievous consequences. I would strongly recommend that it be put a stop to.

54. Another practice that prevails is the filing of suits against minors personally. The other day an action was brought against a child of four years' old for korees 32000. It is clear that the minors are unable to defend themselves or empower any other person to conduct the cases on their behalf. To pass a decree agaist a minor who knows nothing of the case against him and is unable to defend himself personally or empower another person to undertake his defence is tantamount to denying justice to a defenceless child and robbing him of his property. Commonsense would suggest that a minor can only sue or be sued through his guardian. I have not the slightest doubt that you will at once concur with me in this view and direct the discontinuance of the existing practice.

55. The next point that I would wish to impress on your attention is the practice of sending more Mohosuls than one for enforcement of processes, orders or decrees. The highest charge

which the person against whom it is sent is obliged to pay for one Mohosul is 5 Korees per day. You are aware that when the party mohosulled does not comply with the orders of the Court, a second Mohosul is despatched to him, then a third, and so on. From this you will see that a number of men are thus engaged on the same duty. This is productive of inconvenience. The object of a Mohosul is no other than to impose a pecuniary charge upon the party who delays or refuses to comply with the Court's requistion. This object is attainable, say for example, by despatching one Mohosul of ten Korees instead of two Mohosuls of five Korees each. This will effect a saving in the number of men now employed on the same duty. If I am not misinformed, the highest charge the Durbar imposes for a Mohosul is ten Korees per day while the highest charge which this Court imposes and to which it is limited, is five Korees per day. As this Court is now under your control on behalf of His Highness, the same charge, I think, should govern this Court.

56. I take this opportunity of bringing to your notice that the peons of the Court are not provided with belts and badges. These appendages are necessary to their recognition by the people. At present there is nothing with them to indicate that they are peons. In the absence of these appendages, it is possible that any person can now represent himself as a peon of the Court, and in that pretended capacity commit a mischievous act. The reasons which have induced the use of these appendages elsewhere are equally applicable here. I think a yad from you to this effect to His Highness would be sufficient to procure compliance with this request.

57. I now take the liberty to draw your serious and particular attention to a subject which deeply affects the interest of a mass of people. The numerous actions that are being instituted in this Court are founded on documents ranging from twenty to hundred years old; these documents appear to have been drawn out and executed in a loose and lax manner on pieces of plain country paper. They are sometimes in the handwriting of plaintiffs' ancestors themselves. Some of them do not bear the executor's signature at all. Others purport to have been signed

at their request and on their behalf. The defendants are generally the descendants four or five generations removed from the alleged original debtor. They generally as might be expected deny all knowledge of the execution of the bond by their ancestors. The witnesses are generally dead. Most of the attestations of witnesses appear to have been made by one hand. No evidance could be forthcomingafter so long a lapse of time, and therefore there is nothing to satisfy the Court whether the document is genuine or forged. Conjecture steps in and supplies the place of legal proof and pronounces decrees against those who never entertained the slightest idea that their great great grandfather had left for them a legacy of debt resulting in their ruin. The defendants are thus taken by surprise and deprived of their self-acquired property. Whether they have received their great great granfathers' property or not, still a decree must be passed against them. It is very seldom that they inherit the property of their remote ancestor. If most of these documents are genuine it is natural to suppose that some part payments must have been made by the executor or his son, or grandson, as the plaintiff's ancestor or his heirs would not allow his bond to lie over as a dead istrument without recovering something on its account. The defendants are unable from want of knowledge or proof to urge this point successfully. With regard to deeds of mortgage and sale, the manner of their execution is similar to that of pecuniary bonds. They are generally older than the pecuniary bonds and some of them are dated so far back as 100, 150 or 200 years. In almost all cases regarding land, such deeds are often produced as evidences of title, and the poorer classes of people such as, Baroch, Mors, Kaeeas, Moolgurrasias &c., who depend upon their land for their sustenance are often deprived of the same on the strength of such documents by the Jarejas. I have reason to believe that documents of this character are manufactured as evidences of title to Gurras. As the signature of the executor as well as the attestations are generally in the handwriting of one man alleged to have been dead, proof of forgery is almost impossible, and consequently any document whether a bond or deed, can be forged with very little difficulty. Writing

as I do, in a language which is not my mother-tongue, I consider myself incompetent to express in adequate and impressive terms what I feel on this subject, but I hope the imperfect delineation given above, will enable you to picture to yourself, though not so vividly, the magnitude of the demoralizing and evil effects which the time-honoured usage or custom of the golden age entirely unsuited to the progress and necessities of the present century, is calculated to produce on the minds of the people.

58. Having thus laid bare facts so painful in their character, I am humbly of opinion that humanity, civilization, and enlightenment, imperatively demand the adoption of some remedial measures for the purpose of alleviating the sufferings of the people and paving the way for the future security of the public property now so openly liable to invasion through the instrumentality of this Court by unprincipled men. I would, therefore, suggest as under :—

59. That a Registering Department be opened requiring the compulsory registration of all documents of every description including pecuniary bonds &c. That all existing documents in possession of the people should be registered, as also all those which may be passed or executed hereafter, and that any document not so registered should be declared invalid and not admissible in evidence either for the purpose of proof or for filing an action. I do not in this place go into the details of this measure—suffice it to say that the adoption of this measure will stop forgery of documents as it embraces within its scope all the existing documents as well as the future ones.

60. I would further suggest the enactment of the law of limitation providing reasonable limits for every description of claim and adapted to the existing condition of the people of this province. The adoption of this measure will in the end do away with claims on old documents.

61. I would next propose a stamp law, not only taxing private documents but also the plaints, answers, applications &ce. This will have the effect of reducing the numerous unnecessary papers in a suit which are now put in by parties,

because they cost them nothing, making the case a voluminous one, the perusal of which, disgusts the mind of the Judge and uselessly occupies much of his valuable time. When this measure is carried out, I would make the registration of pecuniary bonds an optional one.

62. If the three measures suggested above be carried out they will not only relieve the people of this province from what they suffer so dreadfully at present, but will confer on them and their posterity a lasting benefit which they will not fail to appreciate.

63. A sense of duty compels me to bring to your notice that the building at present used as a Jail is not commodious for the accommodation of prisoners. A larger building on an approved plan, providing ventilation and all other requisites, is required for this purpose. I believe a hint from you to this effect to His Highness would be sufficient to secure this desirable object. I must further urge the necessity of an approved discipline in the Jail. The rules and regulations which govern the Jails in the British territories may well be adopted with certain modifications in the Jail here. I would also suggest the desirability of teaching the prisoners some useful arts as is done in the Jails in the British territories. Whatever expenditure may be incurred on this account, will I think, be recovered from the sale of the articles that will be manufactured by the prisoners. The Jail will thus play the part of a training School, and the prisoners when discharged after the expiration of their respective terms of imprisonment will in all probability be disposed to earn their livelihood by following the peaceful arts they have learnt in the Jail rather than again to incur the risks of a vicious and criminal life. The prisoners will thus not only be reformed, but will at the sametime become useful citizens contributing to the general industry of the people of this province, and eating their bread by the sweat of their brow. Whereas at present they are let off after the expiration of their respective terms of imprisonment, hardened, incorrigible and more dangerous to society than they were before.

64. I now proceed to the question of civil imprisonment in execution of decrees. You are aware that it is not the practice of this Court to arrest defendants in execution of decrees. The question, therefore, that arises for consideration is, whether this measure is well adapted to the existing state of the administration of justice in this province. When I reflect upon the practice that prevails in this Court of passing decisions upon documents ranging from twenty to a hundred years old; when I consider the loose and lax manner in which they are drawn out and executed on scraps of plain paper; when I see the omission of the executor's signature in several of these documents and the attestations made by one hand; when I find no proofs forthcoming in support of these documents; when I feel that such documents could be forged at any time without any difficulty; and lastly when I see the practice of passing decrees on descendants four or five generations removed from the alleged original debtor, I shrink and feel indisposed and reluctant to impose this grievous yoke upon persons cast, until the existing unsatisfactory state of justice gives place to a rational system of laws as suggested in paras 59, 60 and 61 of this Report. If we were to enforce a decree by imprisonment of the debtor, I feel almost certain that the effect would be mischievous and tyrannizing under the existing state of things. I would, however, recommend the arrest of defendants in cases of two particular descriptions, one in which the debtors have confessed Judgment, and the other in which the decretal order is for specific performance. The practice of this Court in matters of execution is so utterly bad that the decree-holders are hardly able to obtain satisfaction of their decrees, they are overreached by the debtors in every possible way, while decrees for specific performance would be inoperative if not enforced by imprisonment, hence I trust this suggestion will carry with it your approval.

65. I now beg to draw your attention to article 14 of the agreement which runs as under :—

> "The civil jurisdiction of the holders of the four first classes shall extend to all cases arising within their respective estates, but an appeal shall lie to the council against decisions of the members of the second, third and fourth classes when the disputed property is worth Rs. 5000, Rs. 2000, and Rs. 200 respectively and against decisions of the holder of any class in which the holder deciding has been an interested party."

66. From the concluding part of this article it is clear that the holders of the four first classes are empowered to try and determine suits filed against them by their Ryots. With all due deference and respect to the author of this article, I question altogether the wisdom and policy which dictated the grant of such a boon to the holders of the four first classes. That a man against whom a suit is filed is a fit and proper person to administer justice is a proposition which sounds strange in my ears and which I never heard of in my whole life. I believe no political reasons would warrant the adoption of a course so manifestly unjust, injudicious and in conflict with our common sense. I may be wrong in my view but I urge it as it is. The two excellent legal maxims, one *Iniquum est aliquem rei sui esse Judicem*, and the other *Aliquis non debet esse Judex in propriâ causâ*, laid down by that celebrated Judge Lord Coke, if not applicable to this case, I know not where to apply them. I ask is it consistent with our experience and knowledge of human nature to expect that a defendant will pronounce a decision against his own interest? Are these holders considered so immaculate as to try and determine suits against themselves fairly and impartially? Are the Ryots to trust them with their documents which support their claim? Are the holders expected to examine the plaintiffs' witnesses fairly? Are they expected to put down every thing correctly in their depositions? Are the witnesses expected to possess the moral courage to tell the truth against one who is their examiner and Judge in his own cause? Is it probable that these holders would even entertain plaints if presented against them? Is it to be expected that the record they would frame of a case would be a truthful one? and last of all is it to be expected that the holder will do justice to the plaintiff? Common sense, reason and

the experience of human nature tell us in unequivocal terms that no man ought to be a Judge in his own cause as he cannot do justice to an action against himself. I may remark that the privilege conferred upon the holders is considerably greater than that conceded to the Durbar itself, for article 18 says that cases in which the Durbar itself is a party shall be tried by the Dewan, with appeal to the Political Agent. This clearly shews that the Durbar itself cannot try and determine a suit in which it is a party while the aforesaid holders are invested with this power. Amidst a very large establishment of the Durbar, the chances of a Dewan manufacturing or concocting false evidence, tampering with evidence, falsifying records and thus favouring the Durbar's cause, are so remote that it would be most unreasonable to place the Dewan and a holder on the same footing. It must be borne in mind that the Dewan has no personal interest in such cases, coupling this with the high and honorable position he occupies in the state, it would be unfair to suspect him of any wrong motive. The Dewan Kazee Shaboodeen, the late District Deputy Collector, a native gentleman of excellent English education and high moral principles, and Mr. Isvurlal Ochuvram, well-known for his education and abilities, both who would do credit to any responsible office under the British Government, are the guiding helms of the state. Their very appointments are a proof of His Highness' desire to conduct the affairs of the state in a manner becoming the position of an enlightened ruler. So that, if His Highness were to try a case in which he is a party, his own high position and his enlightened principles coupled with his excellent qualities of heart and head, are a sufficient guarantee that his self-interest would not in all probability predominate over his sense of justice, and consequently if His Highness had been empowered to try and determine a suit in which he is a party, the chances of the miscarriage of justice would be far less than in case of the holders who are generally uneducated and unenlightened; but these chances, with the right of appeal to the Political Agent, are reduced almost to a cipher in case of a Dewan trying and deciding a suit in which His Highness is a party, hence it is unfair to say that the same privilege resulting

in the same consequences is given both to the Durbar and the holders. My own conscience does not satisfy me that it is so. To tell a man to apply for justice to the holders is tantamount to denying justice to him. He would suffer his action to be lost rather than go to them for justice which he knows he cannot obtain. It may be urged that an appeal is allowed against the decision of the interested holder. To this I would reply that the decision of the appellate Court is based upon the record of the suit. If the record be untrustworthy and framed by the holder to suit his own purpose, there is very little chance of the reversal of the holder's decision. Whatever allegations the appellant may advance against the holder he will not be able to substantiate any of them. Whatever attempts he may make to procure evidence must fail on account of the powerful influence of the holder over his Ryots. It is for this reason, that the Ryots, if my information be correct, have not as yet filed a single suit before any of the holders, preferring to lose their claims rather than enact such a farce. That no such suit has been decided by the holders appears from the fact that not a single appeal has yet been received in this Court against their decision. The poor Ryots are silently suffering from evils for which they have no remedy. I think the provision in question calls for its own repeal in the interest of the Ryots and of justice. I know my voice is too feeble to be heard and carry weight in such an important matter, but I have simply raised it in the conscientious discharge of my duty in the hope that it may prove effectual and successful in creating sympathy and procuring justice for those to whom it has long been denied.

67. I now take the liberty to approach a subject with considerable confidence. It has hitherto been held on the basis of the agreement that if the holders committed crimes against their Ryots, the latter were to prefer their complaints to the former who would try the case against themselves and that this Court could not take any cognizance of their offences as they were not amenable to its jurisdiction. This doctrine seems to me to be preposterous and one which cannot have emanated from such a civilized and enlightened Government as the British.

I would go so far as to say that such an idea could never originate from the cultured mind of an English man. We have to look only to three of the articles in the agreement to see whether the extraordinary and unheard of doctrine in question is embodied in them, or whether their texts even imply or give rise to such an idea. The three articles are the 11th, 14th and the 26th. The 11th only defines the *criminal* Jurisdiction of the several classes of holders and no more. The 14th defines only the *civil* Jurisdiction of the several classes of holders *with an additional privilege empowering the holder to decide all cases in which he has been an interested party.* The 26th only lays down that no person shall by reason of his being a Moolgurrasseea be exempt from the Jurisdiction of the state to which he belongs. Its object clearly is no other but to subject the Moolgrasseeas to the Jurisdiction of their respective holders. I ask in the name of common sense whether there is any thing in any of these articles to warrant an iota of inference which would concede the privilege in question to the holders. Article 26th is silent as to the nature of the Jurisdiction. What that Jurisdiction is, is defined in articles 14 and 11. Article 14, which defines the civil Jurrisdiction only, gives the additional power to the holders of trying and determining suits filed against them, either by a Moolgurrasseea or by their other Ryots. Article 11 only defines the criminal Jurisdiction of the holders and is altogether silent as to the additional power similar to that conveyed to them by article 14. Now if it had been intended that a holder could try a criminal case against himself preferred by a Moolgurrasseea or any other Ryot, the same provision which has been made in article 14 to the effect that a holder could try and determine a suit against himself, would have been made in article 11, and that further, the right of appeal conceded in article 14 against the civil decisions of the holder of any class in which the holder deciding has been an interested party, would have been assuredly provided for, in article 11. These arguments in my opinion are so cogent and conclusive that they must carry conviction to any unprejudiced or unbiassed mind. I must confess, I altogether fail to see

the slightest ground which would warrant the conception of this remarkable idea. It is easy to imagine the detrimental and direful effects which such an unauthorized concession must produce on the Ryots living under the holder's sway. You will remember that on its coming to my notice in the course of my official business I reported the matter at once to you, detailing my reasons for condemning the anomalous course in question, and you have been pleased to concur in my views. I have, however, again noticed this subject in this report with the sole view of obtaining the authoritative decision of Government in order that the future Political Agent, whoever he may be, may not have the liberty of re-opening and re-agitating this question.

68. I have already touched upon the character of the Jarejas in general terms. I must now say that they are generally very poor, needy, greedy and are dependent solely upon their land for their sustenance. The revenue of their respective lands is so small that with the exception of a few, the Teelats themselves are in straightened circumstances. Most of the Jarejas in fact are in a worse condition than even those cultivators of Guzerat who till Government land. If my information be correct, the thefts, robberies, and other crimes, which are so often perpetrated, are instigated by several of these people who participate in the stolen booty. The fierce character of these people coupled with their poverty and barbarism is the mainspring of their propensity to commit crimes. The Teelat and his Bhyad are generally on bad terms. The former is unable to control the latter. Frequent quarrels arise between them and result in the perpetration of crimes. In their case the legal maxim, "*Absurdum est ut alios regat, qui seipsum regere nescit,*" is to the point. The Jarejas of each of the neighbouring villages, quarrel, resort to arms and wound each other with swords. They take the law into their own hands, and forcibly cultivate each others' land, destroy each other's crops, and commit all sorts of mischief, giving rise to various criminal and civil cases. The records of the Jareja Court abound with numerous instances of this kind. It is high time that such crimes should be put a stop to with

a strong hand—any temporizing policy in such matters is, in my humble opinion, calculated to add to their present state of demoralization and impoverishment. I may predict, with tolerable certainty, that if the present state of things be permitted to go on for twenty years more, their ruin will not only be complete, but at the same time they will gradually become more dangerous, violent and uncontrollable than at present. Sound policy would require that they should be kept under proper control. Article 21 of the agreement imposes police responsibilities on the various Share-holders. Now, what these police responsibilities are no one knows. Although these responsibilities are committed to paper, they are not, as far as my enquiries go communicated to these Share-holders. Nor have they been exacted from them and consequently the article in question is allowed to stand as a lifeless provision. It surprizes me that this first and most important preventive and detective measure, altho' committed to paper, is entirely lost sight of in the face of depredations, robberies, thefts, violence, grievous hurt &c., committed as matters of every day occurrence. I am sure these Share-holders are either incapable or unwilling to discharge these responsibilities, and taking into consideration the demoralized condition of these people, it is fruitless to expect that they will preserve the public peace. I would therefore propose that a reasonable number of mounted police with a Thanadar be employed and stationed within the local jurisdiction of each of the holders. They should be saddled with the necessary expenditure on this account. The duty of these men should be to prevent all sorts of quarrels, disturbance and crime, to detect crimes and apprehend offenders, and commit them to this Court if cognizable by it ; otherwise to hand them over to the holder invested with jurisdiction. The adoption of this measure would have the effect of diminishing much crime and at the same time would ensure the safety of persons and property.

69. I would now draw your attention to the important fact that although these holders are invested with large powers civil and criminal within their respective estates, yet no measures are adopted to ascertain whether these large powers are rightly

exercised or abused. The holders of the first class are empowered to try and dispose of all civil and criminal cases of every description except cases of murder and homicide. The second, third, and fourth classes are invested with civil powers to try and determine suits of any amount and description only with this reservation that when the disputed property is worth Rs. 5000, Rs. 2000, and Rs. 200, an appeal shall lie to the Council. In criminal cases, the second, third and fourth classes are invested with large powers, but their decisions are not appealable. Although decisions in civil cases of the aforesaid value are made appealable, it is strange that no appeal is provided for in criminal cases. I think you will agree with me that appeals are absolutely necessary in criminal cases. Why such a provision is not made I have no means of ascertaining. The question, therefore, that arises is, whether these large powers are rightly used. The plain answer is that they are not. As far as my information goes, not a single holder has kept any record of any case civil or criminal which he has decided. Why? Because the record some day or other would convict him of the injustice he has committed and would be a proof against him that he has abused his powers. It is provided in article 12 that Holders of the second, third and fourth classes shall commit to the Council all cases beyond their respective jurisdictions. I would now ask, whether any of these holders has ever committed such a case? Is it likely that not a a single case has occurred of the kind within the estates of these holders during the last three years? The real truth is that these people dispose of all these cases themselves and keep no record, because they wish to conceal what they do. The great incentive to this abuse of power is to be found in article 11 itself. This article invests them with large criminal powers of imprisonment and fine, but no Schedule is framed shewing what offences are triable by them, and what offences are beyond their jurisdiction; thus giving them liberty to dispose of all sorts of offences. Although Magistrates and Session Judges in the British territories are so immeasurably superior to these holders in their knowledge of law, sense of justice and moral and intellectual education, the criminal procedure code provides a schedule of

offences triable by these different officers. Unless this is done, confusion and clashing of powers are inevitable. The Ryots not knowing what offences are triable by the holders and what by the Court are left to grope in the dark. Any one can foresee the mischievous consequences which such a state of things must produce. The omission of all systematic arrangement for placing things on a satisfactory footing is the prime cause why these holders have been enabled to abuse their powers. It is now high time that oppression, injustice aud abuse of powers should cease to exist, that proper and suitable measures should be adopted to ensure a proper vigilance and control over the proceedings of these holders so as to check them from abusiug their powers, to teach them how to administer justice and to give them to understand that the stability of their powers solely depends on their using the same with discretion and judgement. If some such measures are not adopted, the result will be the pampering of their ignorance and the continuation of their despotism for an indefinite time. With a view, therefore, to ensure a proper supervision and thereby to diminish these evils I would suggest as under :—

70. As these holders are generally ignorant and know not how to try a civil or criminal case, a Carcoon on suitable pay well versed in the trial of civil and criminal cases should be employed under each of the holders at his expense. The appointment should either be made by you or by the Court with your concurrence. Whatever cases may arise within the jurisdiction of the holders, may be tried by them with the assistance of the Carcoon who must keep a record of the whole proceedings as this Court may prescribe. He must also prepare all cases which should be committed to this Court. If the holder does not listen to the reasonable advice of the Carcoon, the Carcoon may report the matter to this Court or to you as you may deem proper. The power of dismissing the Carcoon should rest either with you or the Court in order that he may not in collusion with the holder conceal anything worth bringing to the notice of the Court and yourself.

71. That a monthly return shewing all civil cases disposed of by the holder in a month, be required of him with the necessary details the Court may prescribe.

72. That a monthly return of criminal cases disposed of in a month be required of the holder with the necessary details the Court may prescribe.

73. That a schedule for each of the classes of holders be framed shewing what offences are triable by them and what by the Court.

74. That in the absence of any procedure code, the Cutch code framed by his Highness the Rao and approved of by Government and now in force in the Khalsa portion of this province be taken as a guide by the holders in the trial of civil and criminal cases.

75. If the above suggestions meet your approval and that of Government, I think, matters will much improve. There are other suggestions in connection with this important subject but I do not consider it advisable to make them now under the impression that too many at once would prove unpalatable, and unacceptable, to these people under their present circumstances.

76. There are many other subjects to which I would wish to draw the attention of Government and yourself but as this report has exceeded the length I intended I reserve them for a future occassion.

77. Before drawing to a close, I owe to your predecessor and yourself a duty which I cheerfully discharge by fully and frankly apologising to both of you for the freedom of language I have

indulged in in criticising rather sharply the practice of this Court, and at the sametime tender you my sincere acknowledgments for the support you have so kindly given me in the discharge of my difficult, delicate and onerous duties.

I have the honor to be,
SIR,
Your most obedient servant,
MOTIRAM DULPUTRAM,
Deputy Dewan and
President of the Jareja Court.

Bhooj,
Jareja Court
22*nd March* 1872.

P. S.

It was after the preparation of the fair copy of this report that I received your yadee instructing me to levy institution fees from the 1st proximo in the manner suggested in para 17, and therefore the subject therein discussed has been allowed to stand as it is.

Motiram Dulputram.

APPENDIX No. 1.

Statement shewing the Number and Description of Civil Cases on the Register which have remained undisposed of for years.

In what Native Year instituted.	Pending for how many years.	Description of Cases.							Total No. of cases for each year.	REMAKS.
		Regarding division of Estate.	Regarding the produce of land, its Revenue, &c.	Regarding Sale and Mortgage.	Regarding boundary disputes.	Regarding Hucks.	Regarding Money. transactions.	Miscellaneous or other description of suits.		
1873...	55	...	...	...	1	...	...	...	1	
1901...	27	...	...	1	...	...	...	...	1	
1907...	21	...	...	...	...	1	...	...	1	
1911...	17	1	...	...	...	...	...	...	1	
1913...	15	...	...	...	...	...	1	...	1	
1915...	13	...	...	...	...	4	1	...	5	
1916...	12	...	...	...	2	...	...	...	2	
1917...	11	...	...	...	...	2	...	...	2	
1918...	10	...	...	...	...	...	1	...	1	
1919...	9	...	...	...	...	1	1	...	2	
1920...	8	...	...	...	...	1	1	...	2	
1921...	7	...	...	1	...	...	...	...	1	
1922...	6	...	1	...	...	1	2	...	4	
1923...	5	...	...	1	...	1	...	...	2	
1924...	4	...	1	4	...	...	1	2	8	
1925...	3	1	...	5	...	11	3	...	20	
1926...	2	1	3	8	1	10	12	3	38	
1927...	1	4	10	18	1	27	35	9	104	
1928...	...	8	58	32	2	55	424	20	599	
Total.....	15	73	70	7	114	482	34	795		

Bhooj Jareja Court,
22nd March 1872.

MOTIRAM DULPUTRAM,
Deputy Dewan and President
of the Jareja Court.

APPENDIX No. 2.

Statement shewing the Number and Description of Civil Cases designated "Mooltwee" i. e. postponed to be taken up when time might permit, which have remained undisposed of for years.

In what Native Year instituted.	Pending for how many years.	Description of cases.							Total No. of cases for each year.	REMARKS.
		Regarding division of Estate.	Regarding the produce of land or its revenue &c.	Regarling Sale and Mortgage.	Regarding boundary disputes.	Regarding Hucks.	Regarding Money transactions.	Miscellaneous or other description of suits.		
1903...	25	1	...	...	...	...	...	...	1	
1907...	21	...	...	...	...	1	...	...	1	
1908...	20	...	...	...	...	2	...	...	2	
1910...	18	...	...	...	...	2	...	...	2	
1911...	17	1	...	...	...	4	...	...	5	
1912...	16	...	...	...	...	1	...	...	1	
1913...	15	1	...	1	2	7	...	...	11	
1914...	14	1	...	...	...	8	...	...	9	
1915...	13	...	...	1	...	3	...	...	4	
1916...	12	...	...	...	...	5	...	...	5	
1917...	11	...	...	2	1	6	1	...	10	
1918...	10	...	2	4	1	16	1	2	26	
1919...	9	1	2	5	...	8	4	2	22	
1920...	8	2	1	7	1	22	4	5	42	
1921...	7	3	3	12	1	22	5	6	52	
1922...	6	2	2	20	...	26	17	6	73	
1923...	5	5	11	18	...	34	51	24	143	
1924...	4	5	17	38	1	58	93	42	254	
1925...	3	6	10	58	1	118	84	66	343	
1926...	2	7	28	42	3	129	138	59	406	
1927...	1	13	51	63	1	146	161	73	508	
1928...		3	16	17	1	28	43	15	123	
Total.....	51	143	288	13	646	602	300	2043		

Bhooj Jareja Court, 22*nd March* 1872.

MOTIRAM DULPUTRAM,
Deputy Dewan and President
of the Jareja Court.

APPENDIX

Statement shewing the Number and Description of undisposed of since

In what Native Year committed.	Pending for how many years.	Offence. Murder.	Gang robbery and Dacoity.	Theft.	Aiding in the Commission of theft.	Barvuta.	Breach of the peace.	Adultery.	Rape.	Grievous hurt.	Hurt.	Cheating.	Fraud or breach of trust.	Mischief.
1914 ...	14	...	...	...	...	...	...	...	...	1	...	...	...	...
1918 ...	10	...	...	1	...	...	...	...	...	..	...	...	...	...
1919 ...	9	1	...	1	...	...	...	...	...	...	...	...	...	...
1920 ...	8	...	..	...	1	...	...	...	...	...	..	...	...	...
1921 ...	7	...	...	...	...	...	...	...	...	...	...	..	...	1
1922 ...	6	...	...	...	...	...	...	...	...	...	...	...	...	...
1923 ...	5	...	...	1	...	...	..	...	...	...	...	...	...	...
1924 ...	4	1	...	...	1	...	1	...	..	...	...	...	...	1
1925 ...	3	4	...	2	1	...	1	...	...	2	1	...	1	2
1926 ...	2	5	...	7	...	...	1	1	...	...	1	...	...	...
1927 ...	1	6	1	32	4	...	14	...	...	4	8	2	..	6
1928 ...	...	...	...	31	2	1	9	1	3	3	21	...	2	6
Total		17	1	75	9	1	26	2	3	10	31	2	3	16

Bhooj Jareja Court,
22nd March 1872.

No. 3.

Criminal Cases on the Register which have remained months and years.

Illegal restraint and confinement	Trags.	Abortion.	Kidnapping and forcible abduction.	Robbery.	Killing the Cow.	Extortion.	Gambling.	Suicide.	Unnatural deaths.	Vultur or compensation for theft or robbery.	Insult, Criminal assault Criminal force &c.	Total number of cases for each year.	Remarks.
...	...	...	...	...	...	...	...	...	...	...	...	1	
...	...	...	...	...	...	...	...	...	...	9	...	10	
...	...	...	...	...	...	...	...	...	...	1	...	3	
...	...	...	...	...	..	...	...	...	..	...	..	1	
...	...	...	...	...	...	...	...	...	...	...	...	1	
...	...	...	...	...	...	...	...	...	...	1	...	1	
...	...	...	...	...	...	...	...	...	...	1	...	2	
...	...	...	...	...	...	...	...	...	...	3	1	8	
...	...	...	...	...	...	...	...	...	...	4	2	21	
...	...	1	...	...	...	...	...	...	...	4	2	21	
1	...	1	...	...	...	2	...	2	1	5	2	29	
6	1	...	2	1	...	10	...	3	1	19	3	123	
3	...	1	1	2	1	6	1	4	2	21	2	123	
10	1	3	3	3	1	18	1	9	4	64	10	323	

MOTIRAM DULPUTRAM,
Deputy Dewan and President,
of the Jareja Court.

APPENDIX

No. 4.

Statement shewing the Number of Criminal Cases of various discriptions distgnated as "Mooltuvee" which have remained undisposed of for years.

In what Native Year committed.	Pending for how many years.	Offence. Robbery and Dacoity.	Theft.	Aiding in the Commission of theft.	Barvuta.	Breach of the peace.	Defamation of Character.	Adultery.	Rape.	Grievous hurt.	Hurt.	Cheating.	Mischief.	Illegal restraint or Imprisonment.	Traga.	Abortion.	Kidnapping and forcible abduction.	Forgery.	Killing the Cow.	Disobedience of orders.	Extortion.	Suicide.	Unnatural deaths.	Vultur or compensation for theft or robbery.	Iusult, Criminal assault Criminal force &c.	Total number of cases for each year.	Remarks
1908 ...	20	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	
1912 ...	16	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	2	
1913 ...	15	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	
1914 ...	14	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	
1915 ...	13	...	3	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	12	...	15	
1916 ...	12	...	...	...	...	...	...	...	...	...	2	...	1	...	...	...	2	...	...	...	...	...	...	6	2	13	
1917 ...	11	...	4	...	...	1	...	1	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	13	5	27	
1918 ...	10	1	3	1	...	...	...	...	...	2	4	...	2	...	...	...	1	...	...	...	...	...	...	27	1	42	
1919 ...	9	...	3	...	...	1	...	...	...	...	1	...	...	...	...	1	2	...	...	...	1	...	...	16	2	27	
1920 ...	8	...	4	...	...	1	...	...	...	..	5	...	2	...	...	...	...	...	1	...	...	...	...	27	2	42	
1921 ...	7	1	4	...	...	...	...	...	...	1	3	...	2	...	...	...	1	...	...	...	1	...	...	52	6	71	
1922 ...	6	...	2	1	...	1	...	1	...	...	1	...	...	...	...	1	4	...	1	...	2	...	...	54	2	70	
1923 ...	5	2	2	...	1	3	...	1	...	...	4	...	...	...	...	1	2	...	...	...	...	...	...	26	4	46	
1924 ...	4	7	18	1	1	7	...	...	...	...	4	...	1	...	...	1	5	1	1	...	...	1	...	55	10	113	
1925 ...	3	6	23	...	2	9	...	3	4	2	15	1	4	2	1	...	9	...	1	...	2	2	...	56	8	150	
1926 ...	2	...	10	1	...	17	...	2	...	...	13	1	7	2	...	..	...	...	...	...	4	8	1	12	...	78	
1927 ...	1	2	28	1	...	14	1	...	...	2	22	1	10	3	2	...	...	...	...	1	12	1	...	25	2	127	
1928 ...		1	2	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	4	
Total		20	106	5	4	55	1	8	4	7	74	3	31	7	3	4	29	1	4	1	22	12	1	384	44	830	

Bhooj Jareja Court,
22nd March 1872,

MOTIRAM DULPUTRAM,
Deputy Dewan and President
of the Jareja Court.

A450/=