

scire facias would lie. This is too clear to admit of argument, and indeed was not disputed at the Bar, where it was contended, not that the directions *per se* were not conditions for the breach of which a *scire facias* would lie, but that the proviso was in effect tacked on to each condition, so that although it was admitted that the breach of each condition was ground for a *scire facias*, it was said that the proceeding could only be taken where it was authorized by the Crown by writing under the Great Seal or Sign Manual.

Before we consider whether this can be the true construction of the Charter, let us endeavour to ascertain what the proviso itself means, and what under any circumstances can be the effect of it. The proviso contemplates four courses, one an absolute revocation of the Charter, by writing under the Great Seal or Sign Manual for non-compliance with any of the directions or conditions contained in the Letters Patent—a revocation under such terms and conditions as the Crown may think fit by the same means and for the same causes—an absolute revocation under the Great Seal or by writing under the Sign Manual after the expiration of twenty-one years—and the addition to the Charter after the same period of such modifications, conditions, and provisions as the Crown may think fit. The first part of this proviso raises the question now under discussion—the other parts may usefully be referred to, to expound the first. Now, if it be true that the Crown by its prerogative, or the subject using the prerogative upon the fiat of the Attorney-General, might have repealed the Patent by *scire facias* for a breach of the conditions, if the proviso had not been there, it is impossible to suppose that it was intended to control the right of the Crown by superadding a condition, and at the same time to leave the privilege of the subject unfettered and uncontrolled. It is therefore argued on the one side, that the proviso was intended to

give the Crown an absolute power of revocation or modification under circumstances without the expense and dilatory process of a *scire facias*; and on the other, that it was meant to remove and restrict the undoubted right of the Crown, and of a party grieved, to use the prerogative upon the fiat of the Attorney-General to repeal a Charter which may operate to his prejudice. There are difficulties in the way of each of these constructions, but I am of opinion that by the proviso it was intended not to fetter the prerogative of the Crown, or the right of the subject, but to give a cumulative and additional remedy to the Crown, although I doubt—from the manner in which the proviso is worded—if it can legally have that effect. If aptly given, there may perhaps be no legal objection to the existence of this cumulative or additional remedy, for so long as the rights of the subject are not interfered with, the grantee may perhaps make what bargain he pleases with the Crown; I say, *perhaps*, because I doubt whether, under any circumstances, a Charter under the Great Seal can be revoked by writing under the Sign Manual, and I see many constitutional reasons which might be urged against the existence of such a power uncontrolled in the Crown. These questions, however, do not arise in this case, and it is because this additional power is not properly conferred by apt words, that the difficulty arises. The first and most important rule of construction requires that we should give to words their natural meaning, and certainly an unlearned reader would suppose where the Grantor and Grantee made a bargain, that the former might revoke the Charter by writing under the Great Seal or Sign Manual for the breach of any of the conditions mentioned therein, that the mere exercise of that power would destroy the Charter, but this is not the legal effect of the proviso. The power can only be exercised for the breach of any of the conditions, and as no mode of ascertaining in the first instance whether such

breach has been committed is provided for by the Charter, as exists at common law, if the Crown were in the most solemn form under the Great Seal to declare that the provisions had been broken, and were to revoke the Charter upon that ground, this would be but the commencement of legal proceedings; for the Company might deny the breach of the conditions, and a *scire facias* would be necessary before the Charter could be cancelled. It is said, therefore, that, as an additional remedy, this clause is useless, and would not have been inserted with that view, because it will not effect that for which it was designed; it does not necessarily follow, however, that it should be perverted from its original meaning. The proviso itself shows the danger of adopting such a rule of construction. Of the four courses pointed out, three are useless or impossible. The first is both useless and impossible, as I have already shown; the second is impossible, because, when the Charter is revoked, no terms can be added (the words being, "revoked upon terms," not threaten or offer to revoke, unless certain terms are complied with); and the last is also impossible, because the Crown and the grantee might, perhaps, saving the rights of the public, make what bargain they pleased between themselves; the Crown could at no time add to the Charter, so as to incorporate the modifications, conditions, or provisions therein, but must grant a new and Supplemental Charter for that purpose, having relation only to the time when the Great Seal was affixed to the Charter, and subject to the same rules applicable to all other Charters, as if this branch of the proviso had not existed. In truth, the draftsman who prepared this instrument does not appear to have been familiar with the subject which he had in hand, and the ambiguity of the proviso seems, in the hurry of business, to have escaped the vigilance of the Crown officers. But although it is difficult to give to the first part of the proviso the plain

meaning which I believe was intended when the instrument was framed, there are far greater difficulties in the way of the other construction. In the first place, it is contrary to the well-known rule, to give to affirmative words a negative operation; and to hold that language which professes to confer an additional authority, is in effect a limitation upon a power which is otherwise controlled. Again, in my opinion it never could have been intended, and would be highly unbecoming to refer to a Jury a fact affirmed by the Crown under the Great Seal, and to allow a Jury to say that the conditions had not been broken, after the Crown had solemnly asserted under the Great Seal that they had. Take, for instance, the last condition. The Company are to abide by, and conform to, all and every of the directions which may be given to them by any of the Secretaries of State, as regards their intercourse or dealings with any Foreign State or Power. Suppose the Company to have committed a breach of this condition, so as, in the opinion of the Government, to have endangered the friendly relations between this country and a Foreign State, is such a question to be determined by a Jury? If the construction contended for is right, a mere question of political government would be determined by a Jury, and a Court of Law would sit in appeal from the decision of the Queen's Government. But there are rules applicable to the construction of Crown grants, which satisfy me that this construction is not correct. To say the least of it, the proviso is doubtful; and if it be doubtful, it must be construed against the grantee. Where nothing would pass by a construction against the grantee, a Charter is construed liberally in his favour, because it is not consistent with the honour of the Crown to suppose a grant with the intention of passing nothing; but where, as in this case, the franchise is perfect, and the question is whether the prerogative

is to be restrained, a contrary rule prevails, and the construction is against the grantee, because the prerogative of the Crown is, in truth, the privilege of the subject, and it is not to be presumed, from doubtful expressions, that the Crown, when granting a privilege to one subject, intended to interfere with the rights of others. For these reasons, I am of opinion that the proviso was intended to confer a cumulative and additional power upon the Crown, and was not intended to restrict the prerogative of the Crown, or to interfere with the privileges of the subject.

But there is a higher ground upon which, in my opinion, the Judgment ought to be affirmed. If the proviso fetters the free exercise of the prerogative, and takes away the right of a party aggrieved to a *scire facias* upon the fiat of the Attorney-General, in my opinion it is illegal, and therefore void. To every Crown grant there is annexed by the common law an implied condition, that it may be repealed by *scire facias* by the Crown, or by a subject aggrieved using the prerogative of the Crown upon the fiat of the Attorney-General; and although this privilege is not enforcible by *Mandamus*, it is so much of common right that in no case has it been refused, to my knowledge. Indeed, in the somewhat analogous case of a Petition of Right, it has of late years been the practice at the Home Office, under great authority, to indorse "Let Right be done," as a matter of course, without even referring the case to the Attorney-General. This use of the prerogative by the subject is his protection against the use of the prerogative to his prejudice, and in my judgment cannot be abridged. I know that the Crown might have granted this Charter without embodying therein the conditions referred to, but this could only be done upon the responsibility of the Advisers of the Crown. We must assume

that these Advisers deemed the conditions necessary for the public good, and having inserted them, they cannot say that the legal consequences shall not follow their insertion.

For these reasons, I am of opinion that the Judgment should be affirmed.

Thus terminated this memorable case; and all that remains to be done now, is to summon the Directors to bring the Charter into the High Court of Chancery; a day is given, and the Lord Chancellor cancels the Charter by the formal act of tearing off the seal in open Court. It only remains to notice, that in the Annual Report of the Company, which was advertized in the "Times" of the 19th of July last, the Directors, after abusing Sir James Brooke in no measured language for the steps he had taken to vacate the Charter, speak "of the Crown's refusal to grant a new one as almost impossible, under the peculiar circumstances of the case." If this be intended to lull their few remaining shareholders, into a sense of false security, it is really keeping up the farce a little too long; for the ordinary deduction that any person, not a Director of a public Company, would draw from the judgments of the Bench alone, would be, that Sir James Brooke was entitled to the highest approbation for having rid the country of such an imposture, and that, *under the peculiar circumstances of the case*, it was quite (not almost) impossible to grant these convicted Directors a new Charter, as long as one spark of public virtue remains in England.

PHILIPPS AND VOSS,
Attorneys for the Prosecutor,
4, Size Lane.

LONDON :

PRINTED BY W. CLOWES AND SONS, STAMFORD STREET,
AND CHARING CROSS.

FIFTH REPORT

EASTERN ARCHIPELAGO COMPANY.

1853.

LONDON .

PRINTED BY ROBSON, LEEVEY AND FRANKLYN,
Great New Street and Fetter Lane

FIFTH ANNUAL REPORT

(YEAR ENDING 30TH JUNE, 1853)

OF THE

DIRECTORS

OF THE

EASTERN ARCHIPELAGO COMPANY.

Incorporated by Royal Charter,

LIMITING THE RESPONSIBILITY OF SHAREHOLDERS TO THE
AMOUNT OF THEIR SUBSCRIPTION.

Capital £200,000, in 2000 Shares of £100 each.

*With power to augment to £400,000, and with consent of Board of Trade
to any amount*

Court of Directors.

H HAMILTON LINDSAY, Esq., *Chairman*

THE EARL OF ALBEMARLE

COLONEL H W BARNARD

CAPT C R D BETHUNE R N, C B

SIR JOHN N R CAMPBELL, K C H.

CAPT ALEXANDER NAIRNE, H C S.

HENRY WISE, Esq H C S

Auditors.

J H GLEDSTANES, Esq. | W C WRYGHT, Esq

Bankers.

MESARS GLYN, MILLS, & Co.

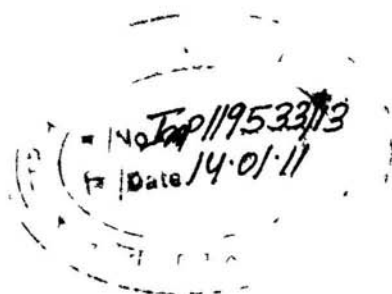
Solicitors.

MESARS SIMPSON & COBB

Secretary.

MR W WOOLLEY

OFFICES, No. 34 CORNHILL, LONDON.



FIFTH REPORT

OF THE

COURT OF DIRECTORS TO THE PROPRIETORS

OF THE

Eastern Archipelago Company.

London, 16th July, 1853

THE Directors have to inform the Shareholders that the proceedings in *scire facias*, instituted by Sir James Brooke for the purpose of revoking the Company's Charter, are still awaiting the decision of the Judges in the Court of Error. The Shareholders are no doubt aware that the necessity for carrying the question into this Court arose from the circumstance of the Judges sitting in Banco being equally divided in opinion on the case.

The Directors consider that if the conditions of the Charter have been broken, the revocation must be by an instrument according to the Charter, and they submit that *scire facias* is not such instrument, or an equivalent thereto.

At all events the matter is evidently one of great nicety ; and it does appear most extraordinary that

although the Charter was granted by her Majesty for objects of great public utility; although the Directors have earnestly endeavoured to carry out those objects, almost entirely with their own means, regardless of the many difficulties they have had to encounter; and although the very point in dispute, as to the capital of the Company, received in 1848 the sanction of the Board of Trade,—yet in 1852, through the machinations of Sir James Brooke, an individual holding her Majesty's Commission, and a rival in trade of this Company,* the Attorney-General's fiat for the issue of a writ of *scire facias* is improperly obtained, and her Majesty's grant is impugned in her own Courts of law.

The Directors understand that this is the first instance on record of an attempt on the part of a subject to repeal a Royal Charter having ever been entertained.

The Shareholders will be gratified to learn that the vexatious proceedings taken in Chancery against the Company, and against the Directors individually, by Dr. John David Macbride, at the instance of Sir James Brooke, have been withdrawn, and the costs thereof paid by the nominal plaintiff.

* Sir James Brooke's commercial agents have been in communication with the Peninsular and Oriental Company on the subject of a supply of coal from Sarawak, samples of which have been furnished to them.

The Directors are glad to state that the communications received from the Company's superintendent at Labuan, relative to his intercourse and negotiations with the authorities at Bruné, have been uniformly satisfactory. Not only has the new Sultan, who succeeded to the throne after the death of Omar Ali, confirmed the grant made by his predecessor of the whole of the coal found in the country extending from Meng-Kabong as far as Tanjong Barram (a tract of territory embracing 150 miles), in spite of an attempt on the part of Sir James Brooke's deputy to instigate him to withhold his ratification, but the present ruler of Borneo and the native chiefs subordinate to him have evinced the greatest desire to promote and assist the operations of the Company by every possible means.

Independent of the great extent of the Company's mineral possessions, their geographical position must at no distant period vastly augment their value and importance. The several projects now on foot to establish regular communication between Europe and China, the Eastern Archipelago, the British possessions in India, Australia, and New Zealand, through the Isthmus of Darien, are of absorbing interest, opening an unbounded field for steam-navigation and consequent demand for coal, from which this Company must eventually obtain great benefits. Advices from the Company's corres-

pondents at San Francisco (Messrs. Cross and Co.), up to the 31st May last, state that the consumption of coal in that quarter was rapidly increasing. Indeed, it appears certain that the Pacific Ocean is about to become in an infinitely greater degree than at any former period the highway, by means of steam-navigation, between the civilised nations of Europe and North America, and the various countries and races in its bosom and on its borders.

The Directors have much satisfaction in stating, that her Majesty's Government, after taking all the documents connected therewith into consideration, have officially recognised the validity of the Sultan's grant of coal.* This important circumstance places beyond all dispute the exclusive right possessed by the Company to this extensive and valuable property. Preliminary steps have therefore been taken to open the coal-seams on the mainland of Borneo, and the Directors soon expect to receive further particulars of proceedings in that quarter.

The Directors are happy to take advantage of this opportunity to state that, in conformity with the powers and provisions of the Company's deed of settlement, they are now prepared to grant licenses or leases to any parties or companies who will undertake to work distinct portions of this ex-

* Vide Parliamentary Paper No. 43, Session 1853, p. 18.

tensive coal-field,* for the supply of the Australian, Californian, and other markets, situated beyond the sphere of the Company's present operations, where, in addition to the vast supplies of coal at present required for the purposes of steam-navigation, other sources of consumption, involving a great expenditure of this valuable mineral, exist.

The Directors more particularly refer to an important branch of trade, which they are ready to co-operate with capitalists in immediately establishing between Labuan, Australia, and South America.

Regular shipments of Labuan and Borneo coal, the excellent quality of which is undisputed, to Adelaide, Valparaiso, or Coquimbo, where return cargoes of copper ore may be obtained and smelted at Labuan for the adjacent markets of India and China, combine, in the opinion of the Directors, a series of commercial operations, that, owing to economical considerations as regards freight and fuel (of which latter a large quantity is required for the conversion of the ore into metal), can scarcely fail to realise very profitable results.

The next event of importance to the Company's

* Copy of the Report of the Government Mineral Surveyor on the Borneo Coal, containing his estimate, that the coal can be profitably wrought and delivered at the place of shipping for about 5s. 6d. per ton, may be seen on application at the Company's Office.

welfare which the Directors have to notice, is the removal of Sir James Brooke from the governorship of Labuan. His unceasing hostility and the determination, which he was at no pains to conceal, to do every thing in his power to injure, and if possible to ruin the Company, are well known. The Directors have therefore great reason to consider his withdrawal, by the late administration, as a most fortunate occurrence for the future interests of this Company. And her Majesty's present advisers having come to the resolution of appointing a Commission to investigate his conduct during the period he has held office under the crown, the Directors are encouraged to hope, by this decisive step on the part of the Government, that Sir James Brooke's systematic opposition to the Company's progress will be effectually checked, and an opportunity at length afforded of more fully exposing his anomalous position, and the mischievous and unscrupulous nature of his proceedings in the Eastern Archipelago.

The favourable position of the Company with respect to the question of labour, as contrasted with the new circumstances affecting wages in England, becomes also a subject worthy of being noted. There can be no doubt that in future increased wages will have to be paid for workmen in the coal-mines of this country, and additional advantages given to

the seamen who navigate the ships by which the coals are borne to the points of consumption. Coals from England are, therefore, no longer likely to be supplied in India, China, &c. at the prices at which they have hitherto been obtainable. In point of fact, the circumstances just adverted to, and the unsettled appearance of the political horizon, have already seriously affected the prospects of several of the Ocean Steam-Navigation Companies, by enhancing, to a very considerable extent, their expenditure for fuel.

Besides the Seedies, or Abyssinian labourers, of whom mention was made in the Directors' Fourth Report (p. 14), the Company employ Malays from Borneo, many of whom are slaves, whose wives and children are kept as hostages by their creditors for the payment of their debts. The Directors have cordially assented to a proposition for the gradual emancipation of these unfortunate men; and although the execution of the plan may be attended with some expense to the Company, the object appears to the Directors to be one which justifies the outlay.

The Directors have thought it advisable to secure the services of an energetic and experienced engineer-in-chief, as Resident Director at Labuan, to superintend and control all the Company's operations in that quarter. Mr. Edmund Scott Barber has accordingly been appointed to that responsible

office; and as his qualifications are of the highest order, the Directors are sanguine in their expectations, that in a short time the results of his management will appear in a greatly increased production of coal from the Company's mines. Mr. Barber proceeded to his destination from Singapore on the 10th of May last, accompanied by a party of English artisans and miners to replace those so unfortunately lost in the brig *Amelia* on her passage to Labuan.

The Directors anxiously await the receipt of Mr. Barber's report on the Company's collieries, &c., and his future plan of operations.

Mr. Barber having suggested that a pumping and winding engine should be sent out, the Directors had the work executed without delay, and the engine, with all its requisites, was shipped last month.

The Company's Singapore agents (Messrs. W. Macdonald and Co.) have very judiciously availed themselves of an opportunity afforded them of purchasing for the Company the schooner *Sydney*, of 186 tons, for the conveyance of regular supplies of stores between Singapore and Labuan; and the Directors do not doubt that this vessel will be very useful for the purpose in question.

The gross disbursements made by the Company for permanent works, buildings, roads, railway in-

cline, steam-engines, pumps, saw-mills, coal-lighters, colliery implements, stores, labour for working coal and operations connected therewith, freights, royalty, rent, salaries, office and law expenses, to the 30th ult., amount to 56,697*l.* 17*s.* 8*d.* But large as this outlay is, it is small compared with the immense sums which have been expended on some collieries in this country, almost before a single ton of coal was raised; whereas the gross receipts for coal sold by the Company to the end of March last amount to 19,522*l.* 11*s.* 8*d.*; although it may be truly said, that the operations of the Company are yet in their infancy, from causes which have been stated in former Reports, and which were entirely beyond the control of the Directors.

The large demand which has arisen for shipping appears to have greatly increased the rates of freight all over the world. The Directors had engaged to deliver, within a specified period, 4000 tons of Labuan coal to the agents of the Peninsular and Oriental Company at Hong Kong, at prices which promised to leave a favourable result; but the difficulties of obtaining tonnage, and the exorbitant terms demanded, have greatly diminished the prospect of the advantage they had expected from the operation.

The Directors are, however, glad to observe, as regards the future, that the Peninsular and Oriental

Company have resolved to employ auxiliary steam colliers for the express purpose of carrying coal from Labuan to their eastern depôts, so as to render them independent of all casual fluctuations in the amount of available tonnage for the transport of their requisite supplies of fuel.

Although the Directors are unable, from the circumstances already mentioned, to declare a dividend, they are nevertheless warranted in stating, that the course and tendency of events are steadily operating to produce results that cannot fail to insure the ultimate success of the Company, and equally to promote the public interests; for it is quite obvious, that in these times the possession of coal in favourable localities has become one of the most important elements of our national prosperity and progress.

The further correspondence which has taken place between her Majesty's Ministers and the Chairman, relative to the Company's affairs, has been moved for in the House of Commons, and will be distributed to the shareholders when published.

The Directors have to express their deep regret at the injurious delay that has occurred in the delivery of the judgment of the Court of Error; and they deem it proper, before concluding this Report, to re-assure the Shareholders, that even if the Crown were advised to revoke the Company's Charter, and

to refuse to grant another—*both* events, in the opinion of the Directors, almost impossible under the peculiar circumstances of the case—the extensive and valuable property of the Company is not compromised in the issue. It remains, and will remain, as regards the power or capacity of the Shareholders to deal with it, without being subject to the effects of the decision either way.

The three Directors who now go out by rotation, and who, being eligible for re-election, offer themselves accordingly, are,

H. HAMILTON LINDSAY, Esq.
SIR J. N. R. CAMPBELL, K.C.H.
COLONEL BARNARD.

The Charter, Deed of Settlement, Correspondence, Plans of colliery operations, Accounts, and Balance-sheets of the Company, are open for inspection of the Shareholders daily, during business hours, at the Offices of the Company, No. 34 Cornhill.

(Signed) H. HAMILTON LINDSAY, *Chairman*.

Imp 119533/13 dt 14.01

It was moved, seconded, and unanimously resolved :

1st. That the Report now read be adopted, and circulated amongst the Shareholders.

2d. That H. HAMILTON LINDSAY, Esq.,
SIR JOHN N. R. CAMPBELL, K.C.H.,
COL. H. W. BARNARD,
be re-elected Directors.

3d That W. C. WRYGHTE, Esq.
be re-elected Auditor.

4th. That the next Ordinary General Meeting of the Shareholders of this Company do take place on the 13th July, 1854.

5th. That the thanks of the Meeting be given to the CHAIRMAN and the DIRECTORS, for their able and efficient management of the Company's affairs.

REPORT

OF

THE PROCEEDINGS AT A PUBLIC DINNER

GIVEN TO

HIS EXCELLENCY

SIR JAMES BROOKE, K.C.B.

Governor of Labuan, and Rajah of Sarawak.

AT

THE LONDON TAVERN, BISHOPSGATE STREET,

ON FRIDAY, APRIL 30, 1852.

ROBERT WIGRAM CRAWFORD, ESQ

IN THE CHAIR.

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IN order to mark the sense entertained by the Mercantile and Shipping body—as well as by other members of the community—of the eminent services rendered by SIR JAMES BROOKE to the interests of commerce and humanity, in his endeavours to put down the evils of Piracy in the Eastern Archipelago, and in his labours to advance the interests of Civilization in that part of the world—a PUBLIC DINNER will be given to that Gentleman, at the London Tavern, Bishopsgate Street, on Friday, the 30th April. ROBERT WIGRAM CRAWFORD, Esq., in the Chair.

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Tickets, £2 2s. each, may be had by applying to the Committee for conducting the Dinner, at the London Tavern.

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THE HONOURABLE BARON ALDERSON.

VICE-ADMIRAL SIR THOMAS COCHRANE, K.C.B.

HENRY DRUMMOND, Esq. M.P.

VICE-ADMIRAL SIR JAMES GORDON, K.C.B.

THOMAS EMERSON HEADLAM, Esq. M.P.

LIEUT.-GEN. SIR JAMES LAW LUSHINGTON, G.C.B.

Director of the East India Company.

WILLIAM H. C. PLOWDEN, Esq. M.P. Director of
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Viscount PALMERSTON, and many other Members of Parliament, were prevented attending in consequence of important business occurring in the House of Commons on the same evening.

DINNER

TO

SIR JAMES BROOKE, K.C.B.

THE CHAIRMAN.—Gentlemen, the toast I have first to propose is one which, on such occasions as the present, always takes precedence over every other toast, and it is one that needs no comment from me; it is—The health of Her most Gracious Majesty the Queen, with all the honours.

The CHAIRMAN.—The next toast, gentlemen, is the proper complement to the one that has preceded it, and needs, like the other, no special commendation to recommend it to your notice. I give you—The health of His Royal Highness Prince Albert and the rest of the Royal Family.

The CHAIRMAN.—Our next toast, gentlemen, is one that is always well received in any company of Englishmen—The health of that distinguished body of our fellow-countrymen connected with the United Services. I think, gentlemen, you will drink this toast with more than ordinary enthusiasm on the present occasion, when

you remember that it was in the army that Sir James Brooke first became distinguished in the public service, and that it has been his lot still further to distinguish himself in conjunction with the navy. (Hear, hear.) Gentlemen, I think that the toast I now propose to you is one that cannot fail to obtain your most hearty applause; and if any particular credit is to be given to those with whom Sir James Brooke was associated in these services, it will be better to reserve that acknowledgment for a special toast. Gentlemen, I will now give you—The Army and Navy, coupled with the names of two distinguished Officers, which will be handed down with honour to posterity,—Admiral Sir Charles Adam, and Lieutenant-General Sir James Law Lushington. (Loud cheers.)

ADMIRAL SIR CHARLES ADAM.—It must always be a high gratification to any man called upon as I am upon the present occasion, to return thanks for the service to which I have the honour to belong; I feel it particularly on this occasion, for the manner in which your Chairman has given the toast, and I feel that that satisfaction is enhanced very much because the toast is given in the City of London. No officer who has served in war can fail to remember that when any high service was performed by the navy, those who suffered in the fight were always solaced by the cordial feeling of the City of London, who relieved the wounded and comforted the widow and the orphan. (Loud cheers.) I trust, that if it should ever happen again that this country is called upon to engage in such a war, you would find the navy equal to the same exploits as those which had brought such honour to it hitherto, and that its

services would be received in a similar manner by the generous City of London. But, gentlemen, there is another reason why I feel the satisfaction very much enhanced,—that we are met to do honour to a gallant and noble-minded person who is our guest this night. (Loud cheers.) I have served in India long enough to know that piracy is a deep stain on that country, and that it can only be obliterated by the means that have been pursued by our excellent guest. It gives me the highest satisfaction to reflect, that whenever Sir James Brooke came into communication with the officers of the British navy, he acted most cordially with them. That there had been some bloodshed, I am convinced no one more sincerely deplores than my gallant friend. (Loud cheers.) From my experience, I am convinced, that there are no means of putting an end to piracy in the Eastern Archipelago, than those which our friend has adopted. Gentlemen, in the name of my brother officers, I return you our best thanks for the honour you have conferred upon us, in drinking our healths on this interesting and important occasion.

LIEUTENANT-GENERAL SIR J. LAW LUSHINGTON.—I beg, gentlemen, to return you my most sincere thanks for the honour you have conferred upon the service to which I belong. I am quite sure that toast has arisen from a conviction that the army has hitherto done what was needed from them. I rejoice that at the present moment we are at peace with all the world, and I most heartily desire that that peace may long continue. I beg again to thank you, gentlemen, for the kind manner in which you have received the toast so well proposed by the Chairman.

The CHAIRMAN.—Gentlemen, we have now arrived at that period in the course of the evening when I think I may appropriately allude to the object for which we are assembled in this place. We are met for the purpose of manifesting, after the manner which the convivial customs of our age sanction, to our countrymen and to the world at large, the high esteem and grateful admiration with which we regard the services rendered by Sir James Brooke, in the promotion of the moral influence of his country in those parts of the world with which he has been connected,—in the extension of our commerce,—and in imparting the blessings of civilization to the people of those inhospitable regions wherein his lot has been cast. We are met here also for the purpose of conveying to him an expression of our sympathy in that most unmerited and calumnious requital—(loud and long-continued cheering)—in that most ungenerous requital which he has met with at the hands of certain parties in this country, to whom I feel it is doing an honour to say of them that they are his countrymen. And we are met, further, to assure him of our unshaken and unabated confidence in his ability and willingness to maintain on his return to that part of the world the honour and glory of his country, and the high reputation he has already earned for himself. And, gentlemen, when I look around this table,—when I look through the list of those who have assembled to do honour to our guest by this expression of their feeling,—when I see at this table several members of the House of Commons, (and know that others would have been present had they not been called away by the urgency of public business, and by the important subject this evening before the House,)—when I see,

gentlemen, that this company is graced by a member of that most distinguished body and ornament of our age, the Bench of England,—when I see around this table not only members of the United Services, to whom I have already had occasion to allude,—when I see here many gentlemen charged with the direction of the affairs of that great corporation,—the lords paramount of the East,—I mean, the East India Company (cheers),—to render their testimony to the uprightness and integrity of Sir James Brooke,—when I see here the highest executive officers of its great rival in station and power, the Bank of England,—when I see here gentlemen of every creed and caste in commerce and politics, met to convey to Sir James Brooke this manifestation of their unfailing confidence,—I may venture to express my hope and belief that we shall hear no more of those unjust imputations upon his character and motives, those most unworthy attacks upon his character and honour, which, springing from disappointed expectation on the part of some, and fostered by that morbid avidity for what I must call grievance-mongering on the part of others, entail infinitely more discredit upon those from whom they emanate than upon him to whom they wish to attach them. (Loud cheers.) If I deplore this exhibition of feeling on the part of some, it is not on account of any stain it can attach to Sir James Brooke; for the more he is attacked, the more brightly will his character shine after the investigation. But if there is one reason why I should deplore this conduct more than another, it is, that I feel it to be in the highest degree impolitic that the motives of officers, entrusted with the performance of arduous duties in foreign parts of the globe, should be brought under the critical examination

of the House of Commons as Sir James Brooke's have been. I do not, of course, complain that the House of Commons should have the power of exercising a right discretion in investigating such matters when they are properly brought under its notice; but I do complain that such opportunities should thus be given to men who have private interests to serve, and whose object is not the public good. I say, it is lamentable that such men should have an opportunity given to them of thus enlisting others in their private cause, and that they should command that attention on the part of others who have nothing to do but to hunt up imaginary cases of grievance and wrong. Now I believe that it would be quite within my province, on this occasion, but I do not think there is any necessity for it, to carry you through a long personal account of Sir James Brooke since he left this country in 1838 down to the present time. The pages of Keppel, of Mundy, and other officers who have served with him in his trials and his dangers, and who now share with him, I am proud to say, the honours which his countrymen, and his countrywomen too (as testified by their presence here to-night), desire to render to him—those pages are open to all; and there are few, probably, whom I have now the honour to address, who have not thus made themselves acquainted with the main features of Sir James Brooke's extraordinary career. It is not to the facts connected with Sir James Brooke's career that I wish now particularly to allude; — I would rather advert to the consequences which I think will spring from his great exertions on the inhospitable shores of Borneo to the commerce of this country, and to the extension of that moral influence which England is entitled to exercise

even in that distant part of the world. When you contrast the present state of Borneo with what it was some time ago, I think it will be difficult to deny to Sir James Brooke the credit of most unfailing sagacity, of a wonderful self-denial, of an equally wonderful facility of adapting himself to the exigencies of the station in which he has been placed ; and I think I can cite no better instance of the extraordinary fame which his name has acquired, than by reading an extract from a note put into my hands since I came into the room :—

“ SIR,

“ Just hearing that you are to preside at the dinner to be given to him whom all honest men delight to honour, I venture to relate to you a circumstance which occurred to myself about two years since, whilst surveying the coast of Palawan (from which I have but a few days returned), which I conceive a strong evidence of the moral influence the proceedings of the Rajah (Sir James Brooke) have obtained in that quarter, even beyond where he has been seen :—Landing on the eastern shore of Palawan, in a boat, with six men, in the execution of surveying duties, I was met by a corresponding number of Malays, armed, who, assuming a threatening attitude, warned me off. I told them we were English, and inquired what they were afraid of? This appeared to inspire something like confidence ; when one of the party asked, ‘ Did I know Tuan Brooke ? ’ Replying in the affirmative, he exclaimed, ‘ Bargoose ! Tuan Brooke,’ or, ‘ Very good Mr. Brooke ; ’ placing his arm on my shoulder at the same time, his confidence being fully confirmed.

“ It was my good fortune, a few months later, to meet a man on the same coast, named Sherriff Hassen, a native of Malludu, which was so notorious in 1845 as being a den of piracy. This man produced a paper, given him by the Rajah, certifying to his honest character, and recommending him to any Europeans with whom he might meet. The ser-

tificate was dated on board H.M.S. "Mæander," at Malludu, in 1848.

"That His Excellency may long be spared as an instrument of Divine Providence for the good work he has so successfully commenced in the Eastern Archipelago, whose children already join in singing songs of gratitude to their benefactor, is the humble, but hearty prayer of

"Your obedient Servant,

"C. PASCO,

"Lieut. R.N.

"10, WHARTON-STREET, PENTONVILLE,

April 30th, 1852.'

Now, gentlemen, this may seem a very trivial matter, but it will show you to what extent Sir James Brooke's moral influence has penetrated, when these Malays threw down their arms and accepted as friends those whom they were previously disposed to massacre. (Cheers.) You may receive this as one out of numerous testimonials accessible at the present time,—testimonials of the influence which the English nation possesses through the rightful exercise of the power with which Sir James Brooke has been invested. And I will ask you, whether it is not monstrous that such a career of humanity and righteous dealing should be cut short through the machinations of a disappointed few. I am disposed to attribute to those gentlemen, by whom the motion adverse to Sir James Brooke was proposed in the House of Commons last year, a conscientious motive in the discharge of their duties, but I cannot go further than that; for I believe the whole of the opposition he has met with to have been originated by personal considerations. And, gentlemen, if further evidence were wanting of the change which has taken place in that part of the world under the administration of Sir

James Brooke, it might be found in that excellent letter from the Bishop of Calcutta, which was read in the House of Commons by the honourable member for Newcastle (Mr. Headlam). It is impossible for any man to read that letter and not give full credit to the sentiments there set forth; and I ask you whether the measures Sir James Brooke has taken to pacify that country, whether the great and wonderful change from the barbarism existing in that country when he first visited it, is to be stopped by such proceedings as I have mentioned. We require nothing more, at the present time, than a strong manifestation of the feeling of this country, with a fair and reasonable judgment,—not one dictated by personal feeling. Nothing more than this is needed to enable Sir James Brooke to return to that country, and to carry out the great objects in which he has been interested; and I believe that in whatever position he may be placed there, whether as an independent ruler, or as her Majesty's representative and governor of the island of Labuan, I say it requires nothing more than a strong expression of feeling on the part of the British public, to ensure all that we can expect of him in our most sanguine moments. (Cheers.) Now, gentlemen, I do not wish to occupy your time, at the present moment, with long charges against those whom we have considered inimical to Sir James Brooke. We may think that they have taken misguided views. I allude more particularly to those who voted for an inquiry into Sir James Brooke's proceedings; but I think it is very much to be lamented that such a state of things should be again allowed to occur. Of the individual who took the lead on that occasion, I would always wish to say nothing that is harsh or unpleasant; but I must say (for

at the time referred to I held a seat in the House of Commons), that it will be to me a very great satisfaction to reflect upon the vote that I had then the opportunity of giving; and it seems to me that if that gentleman has not proved that the object of his attack was a Verres in his Pro-consulship, he has certainly not acquired for himself the character of a Cicero in the prosecution of his case. (Laughter and cheers.) We have met to-night for the purpose of exhibiting to Sir James Brooke our undiminished confidence in the integrity of his views, and in his ability to carry out the great undertaking he has before him; and you will render him no stronger assistance in carrying out his purposes than by cordially accepting the toast I will now propose,—that of the health of Sir James Brooke, and long life and prosperity to him. (Loud and long-continued cheering.)

SIR JAMES BROOKE, in acknowledging the toast, spoke as follows:—Mr. Chairman and Gentlemen,—I am deeply sensible of the honour which has been conferred upon me at this present moment, and, if anything would have enhanced the pleasure I already experience, it would have been the manifestation of your feeling in responding to the toast proposed by the Chairman. I will not pretend, gentlemen, to that species of pride which apes humility; I will not humble myself that you may exalt me. I will not say that I am utterly unworthy of your regard; but I will venture to tell you something of my own feelings and something of the position I hold in the East. I am deeply sensible, gentlemen, that such an expression of opinion from an assembly like this, is important and valuable to me, not only as a token—a public testi-

mony—of approval of my conduct, and my sincere desire to advance the interests of this country in a distant quarter of the globe, but it justifies the conviction—the unchangeable conviction—that I have ever entertained, that truth and justice will triumph, in the present state of society, over any outcry fomented in the popular mind against the character of an honest man. (Loud cheers.) Gentlemen, your approval of my conduct is no light condemnation of the conduct of those who have sought by every means, fair and unfair, to blast my reputation, even at the risk of injuring their own; who, under the pretence of humanity have screened their injustice, and on the plea of inquiry, have been unscrupulous enough to charge murder. It is now but little more than four years since I was the idol of a spurious popularity; it is more than three years that I have been the object, but happily not the victim, of an unprecedented persecution; and it will afford me no light satisfaction, gentlemen, if this night a fair and moderate estimate can be formed of my motives, and of my conduct. Praise and blame have been lavished upon me with no sparing hand. I have been accused of every crime, from murder to merchandize. (Laughter.) I have been held up as a prodigy of perfection, and I have been cast down as a monster of iniquity. These, gentlemen, are the extremes which human folly delights in; these are the distortions which the tribunes of the people represent as Bible truths to the multitude: these the delusions which a hackneyed politician uses lightly, to wound feelings he has long outlived, and to cast a slur upon Her Majesty's servants. The evil, gentlemen, I fear is inevitable; but it is no less an evil, that public morals, in such hands, should

sink, like water, to its lowest and its dirtiest level; and, Mr. Chairman, you will always find some sapient senator, when he has infringed upon public principle, and when he has trampled upon private feeling,—you will always find one who will tell you that it is his duty as a member of parliament to act as a scavenger to the vices of other men, or,—to borrow a simile from my friend near me,—to become a cesspool for every foul slander invented at the Antipodes or manufactured in London. There are principles of justice supposed to be implanted in the human heart, and which are certainly acknowledged by the virtuous of all nations. It is a principle of justice, that an accusation of crime shall not be disposed of by one competent tribunal, and again and again preferred year after year. It is a principle of justice that suspicion is no proof of truth,—that ignorance is no ground of inquiry,—and it is a principle of justice that trivial offences shall not be mixed up in the category of deadly crimes. It is a principle of justice, that deadly crimes shall not be charged on light and frivolous pretences. It is a principle of justice, that trial shall precede condemnation, and it is a commandment of God, as well as a principle of justice, that “Thou shalt not bear false witness against thy neighbour.” (Loud cheers.) These, gentlemen, are the eternal principles upon which the foundations of society rest, and to violate them is to injure society; and yet, if you will weigh what has passed with those principles, and try them by their balance, you will find that there is one member of the House of Commons who has not only abused his privilege as a member of parliament, but who has made unto himself a new law. There are principles more important than the welfare of nations,

and there are plain rules for the guidance of mankind ; but we all know that men's passions and men's moral obliquity cause a departure from these grand truths. There is a duty which teaches one man to filch his neighbour's purse—there is a duty which teaches another man to steal his neighbour's good name ; but until this new code of morals be established, I shall continue to call things by their right names,—I shall call persecution, persecution ; and the persecution which has pursued me has been as dogged and as fierce as though it had been caused by religious hatred ; it has overleaped the barriers of testimony, defied the voice of reason, till honest men loathe the injustice done, and you, gentlemen, have marked your sense of principles violated, and of feelings outraged. Had I said less, gentlemen, I should not have conveyed what I wish to express. I feel that those principles cannot be lightly violated ; but for those personally who have honoured me by their suspicions, I wish to dismiss them from my thoughts with the charitable contempt I feel. There can be nothing common between us. A tardy conviction is due to their own character, but I have never mingled in the “filthy fray,”

“Where the soul sours, and gradual rancour grows
 Embitter'd more from peevish day to day.”

But I know that there are men who love notoriety better than justice, and who live upon the breath of popular applause. I do not wish to comprehend their motives—I do not respect their calling, neither do I envy their fame or success. (Cheers.) Our tastes and our feelings assimilate upon no single point, and for my part, gentlemen,

“I would rather be a kitten, and cry Mew,
 Than one of these same metre ballad-mongers.”

It has been said, gentlemen, that when I set sail for the shores of Borneo, now fourteen years ago, I carried a deep design in my bosom to suppress piracy, and to carry civilization to the Malayan race. This is most flattering to my wisdom and foresight, but unfortunately, it is not true. I had but one definite object when I left England, and that was, to see something of the world and to come back again. The extraordinary events that occurred after my arrival in Sarawak I need not detail. I found a country ruined by its native princes, and which they could no longer govern. I had everything to do. I was a reformer in the most extended sense of the word; but I recognised the principle, that to effect any adequate measures of reform you must respect vested interests. (Hear, hear.) This, I need hardly say, is the same in England as in Borneo. I had a government to support; small, it is true, but a government far beyond the means of the country to pay for. I had prohibited the native princes from plundering the unfortunate people, and the consequence was, that I had to pay these princes myself. Many evils existed, and for the first two years I had to support a starving people, and I had to revive the first glimmerings of trade. A system of usury had become common in the country, 24 per cent. a-month being charged for small loans. This abuse was corrected by my paying off the original sums lent. I mention this to illustrate what I had to do, for all these expenses had to be defrayed out of my private fortune. You will pardon me for mentioning these things, but you know that I have waited long, and that I have been forced into this public mention of them. (Loud cheers.) There is a sad tale of stock transferred, and of securities sold, which would show that I have sunk more

than 20,000*l.* in the support of an infant government, in mitigation of the distresses which pressed upon the people, and in supplying their necessities. I wish, gentlemen, to say that I confess myself guilty of having bought up the produce which the natives brought to me for sale. I did it in order to supply the deficiency in the public revenue, and to check the heavy drains upon a limited fortune. This is the heinous crime that has been laid to my charge, but, supported by your example, I shall not blush when I am impeached of having been a British merchant, though I am free to confess I was a very bungling one (laughter): on this account, because I was very careless and knew little or nothing about business,—I wished to be relieved from the responsibilities and fluctuations of commerce, and I was relieved, for there were insolvents in London, who, being represented to me as great capitalists, relieved me of ten thousand pounds' worth of property, which I could have spent myself to much better purpose. I was relieved of that property, long before I had the honour of an appointment under Her Majesty's government, and I should have thought that the outlay of no small sum compared with the means I possessed, and an honourable poverty at present, might have saved me from the imputation of mercenary motives. (Loud cheers.) Spite of all the treasure which it has been alleged I have heaped up, I regret to say that Sarawak boasts a national debt, not so large as that which the Chancellor of the Exchequer is explaining just now in the House of Commons, but still quite large enough to be burdensome and inconvenient. But I will say, with great boldness, that I have refrained from imposing taxes upon a rude people. (Cheers.) I have resisted those who wished to impose taxes. I knew

always that a long confidence must precede taxation; and I hope still that the benefits of good government will in time induce the people to impose taxes upon themselves. I could not, from my very nature, be covetous enough to wring the earnings from the peasant's "hard hand," though that peasant's skin was of a different colour from my own. (Cheers.) It was during the time that I was struggling against pecuniary difficulties, and difficulties of every other sort, that I first became acquainted with the character of the Sarebas, and Sakarran pirates, that is, of the Malays and the Dyaks of those rivers; and, after twelve years of minute experience, I may be supposed to be able to distinguish between piratical attacks and intertribal feuds—and these intertribal feuds are such as the wolf wages on the lamb. Gentlemen, there has been much vain declamation upon this subject; but I should much like to ask the most peaceable man in England,—the man who is peaceful in words as well as in deeds,—the man who is peaceful by habit and peaceful by religious persuasion,—such a man I respect, although I differ from him,—but I should like to ask such a man what he would do if a horde of bandits frequently burst forth from Brest or Cherbourg, ravaging the shores of the Channel, and carrying women and children into captivity, with the heads of their decapitated husbands and fathers? Would he not resist? Would he not defend his own hearth? Would he not, to save his family, seek those marauders on the high seas, or crush them into their own dens? Would he preach,—and suppose those deaf adders would not listen—would he preach when he saw his daughter dishonoured, and his son murdered? and then would he proclaim his shame and cowardice

amongst men? I do not myself believe that such a man breathes in England, from length to length. (Cheers.) But how, gentlemen, does this differ from what has already occurred? Have not the natives of Borneo suffered, and have they not, when the proper time arose, in obedience to the impulse of self-preservation, acted in accordance with the common law of nature? The rest is leather and prunella,—soap-bubbles blown by our popular legislators to obtain temporary applause. The pirates were punished because they are the enemies of mankind. The natives of Borneo attacked these marauders, and they obeyed the law of nature. Her Majesty's forces acted in obedience to the law of nations; for it is a law of nations that the powerful should protect the innocent from the guilty; and the law was applied, on these occasions, as it is applied at home. If a smuggler evades capture, and resists the law, he is fired into, and shot and shell do their work. If a felon is collared by a policeman, and resists, he receives a tap on the head to make him quiet: and so it has been in Borneo,—the pirates would not be quiet, and measures were taken to compel them to be so. When the police of this country can reason your criminals into virtue, the same may be done with the pirates, but not till then.

Gentlemen, I had desired to seize this opportunity of expressing to the Noble Lord (Palmerston) who was expected here this evening, my sincere sense of the constant and generous support which I have received from him and from her Majesty's late ministers. I should be ungrateful, indeed, if I did not thank my honourable friend the Member for West Surrey (Mr. H. Drummond). I thank him not in an idle form of words, but from my heart—I thank him for his defence of an absent man, and a stranger.

(Cheers.) To the honourable gentleman the Member for Newcastle (Mr. Headlam), and to many friends who are now present, I owe a debt of gratitude which I can never forget, though I can never repay. I am, indeed, a beggar in this respect, gentlemen; for I have to remind the gallant admiral now present of the time he commanded on the coast of Borneo, when I served as a volunteer under his command, whilst he was carrying out a course of measures which may well serve as an example to other nations, as well as to our own. An English squadron then made a circuit of those seas, and the natives knew the power of this country. To the gallant captains (Captain Keppel and Captain Farquhar) with whom I have acted so cordially, I will only say that, should we ever hear again of attacks, I trust to find them near me. (Cheers.) I am a bankrupt, but a bankrupt proud of his obligations; and if I have suffered,—and I do not deny that I have suffered from the machinations of my enemies,—my sufferings have been more than balanced by the devotion of my friends, by your kindness, and by the justice rendered me by my countrymen at large, and I think I may say, by my countrywomen also. (Cheers.)

Gentlemen, I am proud to avow that the position I hold in the East has enabled me to introduce social and political improvements amongst the natives, and this will lead in the fulness of time to great commercial development. I am proud to say that I possess some power; that power, however, has been conferred upon me by the fountain-head of all power, and it may be resumed whenever it is misused. I will respond to what the Chairman has said, by declaring that I do possess an influence over the native mind, and this

influence, joined to power and knowledge, is the chief element of future success. But, gentlemen, this influence would never have arisen, had I been actuated by base motives of any kind ; nor could it, indeed, survive a day that child-like confidence which is the fruit of a long experience. Whatever may be the course of our future policy, it should be worthy of a great nation, and it should not be dictated by the meddling parsimony which begrudges a small outlay to obtain great future advantages (Cheers.) The countries of the Archipelago are the fairest and richest of the world. There are resources to employ British enterprise—there are outlets for English commerce ; and it would be lamentable indeed if they were lost. We have something to do and some difficulties to overcome before we clutch these advantages. There is an imbecility, which hopes to attain everything by doing nothing, and which weakens every executive power in every distant part of the empire. Borneo has not escaped this evil, but for this country she may yet preserve that commerce, and may develop it a hundred-fold ; but unless England is awake to its importance, it will be closed against her enterprise. Others will awake, though England may sleep. Short of this firm and consistent course of action, better would it be to withdraw from the enterprise than to continue it, and to attempt what you will never carry out successfully. It is an injury to the natives to excite false hopes that are never to be realized. There is one page in history, and the history of this country, which tells us of a native people in the Archipelago betrayed by our carelessness, and British interests sacrificed to ignorance. One single record is sufficient on our annals, for I am convinced that the time has now arrived

that England must maintain her position in these seas. She must suppress piracy,—she must secure stepping-stones for her infant steam communication, which is to join her possessions in Australia to her possessions in China,—she must develop her commerce. She must do this, or she must abandon a glorious enterprise to another, and, when that happens, I shall say, to a greater nation. The alternative is before us. I look forward myself with warm hope that the nobler alternative will be chosen; but I do not conceal that I am not unprepared to meet the meaner one.

Gentlemen, I will now say that your confidence, which the Chairman has so well expressed, will cheer me in the path of public duty, or will solace me in the retirement of private life, in the deep solitude of a Borneon existence. I have only now, gentlemen, to implore you, not only in my own name alone, but in the name of those who, like myself, have suffered from the licence of men's tongues,—I implore you not to believe what is said of an absent man unless it be proved. Pause long, consider well before you give ear to a slander affecting a man of integrity. Do not disgrace your public servants by inquiries generated in the fogs of base suspicions; for remember, a wrong done is like a wound received,—the scar is ineffaceable. It may be covered by glittering decorations, but there it remains to the end. The wound may be healed, and the injury may be repaired. Gentlemen, I have now to thank you for your kindness in listening to me, for the high honour you have done me, for the feeling of confidence you have expressed, and for that remedy which you have applied to a wrong which shall be obliterated henceforth from my mind. (Sir James Brooke resumed his seat

amidst demonstrations of applause which lasted several minutes.)

SIR JAMES BROOKE again rose, and said,—I fear I have been acting the part of a Pharisee, and have been as selfish as most men who are placed in my position ; but I have a pleasing duty to perform, and one that gratifies me as it will gratify all present. I beg leave to propose the health of our worthy Chairman, and if I may add my small tribute of praise to the praises of his daily life and conversation, I am sure you will heartily join me in it. I am proud on this occasion of making his acquaintance, and I hope the acquaintance thus commenced will ripen into a warmer and better feeling of friendship. (Cheers).

The toast having been warmly responded to,

The CHAIRMAN said,—I feel I should do but poor justice to my own feelings if I were not to thank you for the compliment you have passed upon me. I beg to thank you in terms of the most unaffected gratitude for that great compliment. For myself, I can only say, as the best excuse for occupying this seat, that I possess an interest in this great matter second to none in this country. As a merchant of the City of London, and connected with the commerce of the East, I feel a peculiar interest in the success of Sir James Brooke's proceedings, and if my conduct on this occasion has met with your approbation, it is the best reward I could ask.

The CHAIRMAN.—Gentlemen, we have been honoured on this occasion by the company of gentlemen whose presence is always acceptable. I allude to those mem-

bers of the Bar who have favoured us by coming amongst us this evening. And when I say that we have here this evening a member of that distinguished body, the Bench of England, I am sure you will drink with cordiality—The Bench and the Bar, and the health of Baron Alderson. {Loud cheers.}

MR. BARON ALDERSON.—I do not mean to return thanks for the Bar, nor for anything but the Bench. The Bar has its representatives here, and they must speak for themselves. I am obliged to listen to them very often, and I intend to do so to-night. We on the bench do the best we can in equally administering justice, and I think we do no more than equal justice when we acquit Sir James Brooke. It gives me very great pleasure to be here this evening. I ask myself this question,—What are we here for this evening? Why do I stand between Sir James Brooke and the gallant officers who have so often stood by him on other occasions? Why are there present so many persons of different professions, opinions, and ages,—from the old, whose fears exceed their hopes, to the young, whose hopes exceed their fears? Simply to do honour to an English gentleman of indomitable will, great philanthropy, great humanity, who has endeavoured to spread amongst a benighted people the blessings of knowledge, the advantages of civilization, and the blessings of religion. It is for this reason that we are here to-night, and I am sorry to say that in one respect I differ from Sir James Brooke and the Chairman, in that they expressed something of regret that our distinguished guest had not the approbation of all mankind. I do not think Sir James Brooke would deserve it if he had it; for I have

always observed,—and I believe history will confirm me,—that the greatest benefactors of the human race have been most abused in their own time, and I therefore think that Sir James Brooke ought to be congratulated *because* he is abused. I look to the future and *not* to the present, because I look to the time when he *will* come out as the sun from behind the clouds. When this takes place, his calumniators and detractors will be obscured in the oblivion of their own insignificance. Then will come the time when full justice will be done him. I cannot hold out any hope to him that this will occur in his life-time or mine. I cannot promise to him universal approbation, because that does not generally accompany desert; but I think I can promise him the approbation of his own conscience, the approbation of all good and reasonable men, and of Almighty God, who does justice and who will reward. (Loud cheers).

MR. MONTAGUE CHAMBERS, Q.C., in returning thanks for the Bar, said,—We ought to be greatly obliged to the learned judge who has just sat down, for so admirable a speech. I had little thought of being called upon to return thanks for the Bar of England. It is known that the occupation of the profession to which I belong is, if possible to discover truth, to obtain justice, and to vindicate the oppressed. We have it in our power on many occasions to do justice to the present as well as the absent, and I am delighted to think that we have heard this parting injunction—“When I am a stranger in a foreign land, don’t forget that you are my friends.” I for one will not forget that injunction (cheers), and I am sure that my friends who are engaged in a noble profession, will never allow it to escape their memory, and

will never forget those great principles so well stated by Sir James Brooke,—ever to do justice to the absent, and never to condemn unheard. The Bar of England, in the associations in which they are permitted to mix in public festivals, always esteem the high favour which they receive in one of the standing toasts of England. They are vain and proud enough to suppose that they will do their duty, and be esteemed just and honourable men. I desire to express, on the part of the bar of England, their thanks for the opportunity we have had afforded to us of giving our feeble, but feeling testimony, towards the estimation in which Sir James Brooke is held by the common profession. We know his merits—we have felt his wrongs as though they were our own. We have watched his proceedings with deep anxiety. Speaking for myself, I may say that I was not invited here. I solicited to be invited. A friend of my own accidentally mentioned to me that this dinner was to take place, and I immediately expressed my deep anxiety to be present. It is well known to Sir James Brooke that I am related to one of those noble captains who assisted him in repressing those piratical proceedings he has mentioned, and I felt as though a wound was inflicted upon myself when slanders were uttered against Sir James Brooke. Independently, therefore, of the Bar of England, I am deeply anxious about the meeting of to-day. It has struck me as one of the most important things in this matter, that there should be an assembly of men of all classes united in one common feeling to do justice to an honourable man, not to pay him an empty compliment, but to carry to his heart the conviction of his fellow-countrymen that he deserved their regard. (Cheers.)

THE CHAIRMAN.—The best arrangements are always liable to unforeseen interruptions, and it is to the Chancellor of the Exchequer having fixed this evening for his budget that we are deprived of the honour of Lord Palmerston's company. There is no person in this kingdom who has taken a deeper feeling in this matter, or who has expressed his feelings in stronger terms than that Noble Lord. It was my intention, in proposing the toast of the House of Commons, to have coupled with it the name of Lord Palmerston. It is a toast I should have had great pleasure in proposing, because his Lordship has taken a most able part in the discussions which have arisen in the House of Commons in reference to the suppression of piracy in the Bornean seas. I think I shall best discharge the duty I have now to perform, in asking you to drink, in connexion with the House of Commons, the health of Mr. Henry Drummond, the member for West Surrey. (Cheers.)

MR. HENRY DRUMMOND, M.P.—The honour you have done me, I must say, is very unexpected, for I came here to enjoy the pleasure of uniting with you in drinking the health of Sir James Brooke, and not at all with the expectation that you should unite with Sir James Brooke in drinking mine. (Laughter.) Still less did I think that I should be set up as the substitute for my friend and old schoolfellow, Lord Palmerston, in whose shoes I am most unworthy to tread. But I have been required to acknowledge the toast by my friend in the chair—a friend of two generations, for his father was my friend. He has requested me to return thanks for the House of Commons; and I must say, I am somewhat surprised, after what you have heard of the House of

Commons, that you should think it worth while to propose its health at all. (Laughter.) As you have called upon me to return thanks, I do so, because I adhere to the first teaching of my schoolboy days,—“Obedience from a sense of duty.” It is perfectly true that I do not stand here as an old friend of Sir James Brooke. It happened, that being much abroad at the time to which he has alluded, I had scarcely heard his name, until a gentleman in the House of Commons—a worthy, good sort of man, in his narrow way—I have no objection to mention his name, it was Mr. Cobden—said to me one day, when the piracy question was coming on,—“Did you ever look into this question? I wish you would look into these papers,” at the same time giving me a host of books on the subject. Well, I read all these wondrous blue books and white books; and I came from the perusal with a conviction exactly the opposite to that at which Mr. Cobden had arrived—with the strongest possible conviction that Sir James Brooke had taken the right course,—the only proper course that, under the circumstances, he possibly could have taken. (Cheers.) Now, I don’t believe that this contest is yet at an end. I look to this meeting, here assembled, as of very great importance; not as a thing that is to pass away like a glass of effervescing champagne, but as evincing a determination on your part to screw your courage to the sticking-point. I tell you that this persecution will not cease, will not abate. On the votes of the House to-night a motion on this subject has been renewed, and it will be your duty to unite and stand by us, to see that right is done to a noble and slandered man. I thank you on behalf of the House of Commons, such as it is. (Laughter.)

Mr. HEADLAM, M.P.—The duty of proposing the next toast has been entrusted to me. It will not want a word of recommendation; but I propose, if you will allow me, to say one word for myself. The only part I had to take in the House of Commons in reference to this matter, was to state a plain unvarnished tale,—to tell that tale to an assembly who, however it may be influenced by circumstances which have a temporary effect, is still an assembly of English gentlemen, upon whose verdict any man may rely for justice. The toast I have to propose is—The progress of Civilization in Borneo. It expresses a deeper feeling, and a higher tone of sentiment, than is usually given from the dinner-table. But I look upon this meeting as one of no ordinary character. We do not come here for mere enjoyment, or for idle ceremony, but in pursuance of a solemn act of duty and justice. With that view I have come away from scenes of some interest in the House of Commons, to express my sympathy with a man who, amidst difficulties almost unparalleled, difficulties in a foreign land, has struggled for the noblest object it is given to man to accomplish,—to beat back the barriers of darkness and barbarism, and to spread the light of civilization and true religion amongst a benighted people. (Cheers.) I have to propose—Progress to that civilization. It is not for us to say how that shall advance in future ages; but the seed has been sown, the light has been kindled, and no man can say what fruit it shall bring forth in after ages. The House of Commons has vindicated the character of Sir James Brooke, and has thrown back the calumnies cast upon him, upon their authors; but his vindication would not have been complete, had not the citizens of London met on this

occasion, to express their sympathies with Sir James Brooke, and their hopes that the blessing of Providence may rest upon his labours. (Cheers.)

Toast—The progress of Civilization in Borneo.

Mr. J. D. POWLES.—Sir, I have very great satisfaction in bringing to the notice of this meeting the next toast upon the chairman's list, conveying a tribute of respect to Vice-Admiral Sir Thomas Cochrane and the other gallant officers who have so zealously served in the measures taken against the pirates of Borneo. (Cheers.) Often has it happened in this City of London, that its merchants have had to express their grateful sense of the exertions of the mercantile marine in the protection of its commerce. Some of us here can remember, during the long war this country was engaged in, when our convoys of merchant marine stretched from shore to shore, how vigilantly they were guarded by our naval officers; and, although it not unfrequently happened that three or four hundred vessels were left to the care of a single vessel of war, how rarely it occurred that the wolf was able to snatch one from that large fold entrusted to their care. And in the long peace which has since ensued, we find the national marine ever on the watch to protect our commercial interests on distant coasts, whenever cases of collision arising between other states call for their interference. But there can be no service in which the national marine can be engaged more useful to commerce or more interesting to humanity, than when it is repressing the dreadful evil of piracy—the greatest crime of any that can be found in the catalogue of human offences. Strange, indeed, it is, that when engaged in putting down an offence so direfully destructive in

its character, suspicion or mistrust should have been cast upon men occupied in so holy a cause. Stranger still is it, that men are to be found in this metropolis who affect to be ignorant of the existence of piracy in those seas. Why, we have in this room a merchant who has had as large dealings in that part of the world as any other man, whose own brother was taken captive by these pirates, his life inhumanly sacrificed, with a ship and cargo worth 30,000*l.*; and yet in this very house a meeting was held—I was almost going to say, of idiots, pretending to rebuke the manner in which the great crimes prevailing there had been put down. I have attended many meetings of a public character in this city, but I have never one so substantially attended as that in which we are now taking part, and I trust it will go forth to the world not only as a vindication of Sir James Brooke, but as a determination expressed by the citizens of London, that they will not allow such scandals to go unanswered. (Loud cheers.) It is a great evil that is to be put down, and we offer our earnest hope that the attempts already made will be steadfastly followed up, until the evil shall be utterly annihilated. I beg to propose the health of Vice-Admiral Sir Thomas Cochrane and the other officers who have served against the pirates of Borneo. (Cheers.)

VICE-ADMIRAL SIR THOMAS COCHRANE.—I can most unfeignedly say that I am quite taken by surprise on the present occasion, for I am not aware that I deserved such an honour. I hold it to be a very distinguished honour to be asked to meet your illustrious guest, Sir James Brooke. I was delighted to hear that the Merchants of London intended to confer that honour upon

him, for I always believed that every man who did his duty to his country would always be supported by his country. You will excuse me if I detain you a few minutes in addressing you upon the subject of the individual whom you have invited here to-night. When any gentleman is called upon to bear testimony to the public or private character of another, there are two essential points to be regarded,—first, that he should be perfectly impartial, and second, that he should have a thorough knowledge of the subject on which he is addressing you. I feel I am in a position to maintain both these propositions. I met Sir James, then Mr. Brooke, some years ago, not having the slightest previous acquaintance with him. I met him upon public grounds and in reference to public duties, and in the position I held as Commander in Chief of the Fleet I had opportunities of observing him. Our respective duties brought us very much into communication with each other. Mr. Brooke, on one occasion, lived for more than six weeks on board my flag-ship. He did so again the following year, and at a subsequent period he lived with me three months at Penang, and I think, therefore, I am qualified to bear testimony to his character. (Hear, hear.) Various circumstances induced me to proceed to the coast of Borneo, in consequence of representations made to me, and Sir James Brooke placed himself at my disposal. Upon that occasion I went to Borneo and destroyed a piratical place called Malludu, and on another occasion captured the town of Brunè. On these and other occasions, I found in Sir James Brooke a person most devoted, and most kind and liberal to the people, and on every occasion we went there, he stated his strong impression as

to the necessity of forbearance, and his anxiety for the welfare of the people. I visited parts of Borneo where no European had ever been before, and even in those parts the people came out and mentioned with delight the name of Brooke ; in fact, wherever I went, I found his name was a sort of talisman. These are strong illustrations of the feeling entertained towards him by the natives, and of the strong anxiety he evinced to secure good feeling amongst the people over whom he was placed, and to protect them. When I went to the city of Brunè, and captured it, the sultan ran away, and, in fact, had abdicated. Now, I had very strong impressions at that time, and I may mention them to show you what my feelings were with regard to your honoured guest. I am not sure whether I have ever conveyed those impressions to Sir James Brooke, or not. I was strongly impressed, if I could at that moment, I would have conferred upon him the Sultanship. (Loud cheers.) I had the power to do it, and I felt it would have been received with acclamation by the whole population, and that it would have been a most important thing for that country, both as regards the civilization and the happiness of the people. I cannot bear stronger testimony to Sir James Brooke's character than by telling you what were my impressions of him at that moment, and I deeply regret that I did not feel empowered to carry out my views. But since that time Sir James Brooke has been attacked and calumniated by certain Members of the House of Commons. They never attacked the naval officers who commanded there, but they fixed all their charges upon Sir James Brooke, who was not responsible, and had nothing whatever to do with the matters to

which they referred. I wish also to state to you that these persons who have so improperly attacked Sir James Brooke, were told that if they liked to come to me, I would give them every information fully and honestly, having been out at Borneo a long time; but not one of them ever came to me. (Cheers.) I have felt, gentlemen, that what I have said was not only due to you, but due to your honoured guest. I cannot pity Sir James Brooke, on account of the attacks which have been made upon him, for his calumniators have brought out his character in a manner which probably would not have been the case if the attacks had not been made. I thank you, gentlemen, once more, for the honour you have done me in drinking my health.

THE CHAIRMAN.—Gentlemen, I have had occasion already to allude to the gentlemen connected with the East India Company who are present this evening, and I am sure the toast I am about to propose will be acceptable to you. I think there is no public body whose members are more capable, on account of the scenes they have themselves witnessed, of delivering a free and impartial opinion on such matters as we have had under our consideration this evening. I propose the health of the Directors of the East India Company, who have been so good as to honour us with their company this evening. (Cheers.)

SIR J. LAW LUSHINGTON.—In returning thanks for the toast you have just drunk, I may be allowed to say, that in his endeavours to diminish piracy in the Archipelago, not only has Sir James Brooke done a great service to England, but he has done a great service to all that part of the world. We are anxious that that country should be preserved. I can only say, that the

East India Company is deeply grateful to Sir James Brooke for his endeavours to put down piracy, and to promote the general improvement of the country with which he has now been, for some years past, so honourably connected.

THE CHAIRMAN.—Gentlemen, there is another great body most efficiently represented here this evening—I mean, the Bank of England. In proposing that institution, I think I may say, as there are several of my brother proprietors present, that it may be well for them to ascertain how they manage, in Borneo, to get 24 per cent. a-month on small loans; for it is not a usual or customary per-centage in this country. As a proprietor, I would suggest to the Directors the expediency of sending over a commissioner, according to the fashion of the day, to ascertain how this is done. It might prove a satisfactory way of investing the spare capital that is now coming over to this country. (Laughter.) I propose to you—The Directors of the Bank of England.

MR. THOMSON HANKEY, JUN.—I may say, on the part of the Directors of the Bank of England, that they feel it to be a great compliment to be allowed to be present on such an interesting occasion as this. It gives us great and sincere gratification to bear our testimony, as members of one of the oldest Corporations of the City of London, to your distinguished guest on this occasion. It has very often been my lot to dine in this room, and to take part in many public assemblies; but I never witnessed so mixed an assembly as this in support of a common object. (Cheers.) The Directors of the Bank of England owe a deep debt of gratitude to Sir James Brooke, and they are anxious fully to express that feeling on this interesting occasion. They felt it but due

to ~~him~~ to express their opinion of his proceedings on every available opportunity, and witnessed with great satisfaction the entertainment now given to him. I have not attended this festival to vindicate the character of Sir James Brooke, for I never thought it wanted any vindication (loud cheers); for the facts have been patent to all the world, and must carry conviction to the mind of every person who is not warped by prejudice. On behalf of the Directors of the Bank of England, I beg to acknowledge the toast you have drunk, and thank you for the ~~opportunity~~ opportunity you have afforded us in expressing our opinion of Sir James Brooke and the course he has pursued.

THE CHAIRMAN.—Gentlemen, the last but not the least of the toasts I beg to submit to you is—The Corporation of the City of London. I have great satisfaction in giving this toast, because Sir James Brooke is a member of that Corporation—a Fishmonger and Goldsmith. The satisfaction I have in proposing the toast is considerably enhanced by being enabled to couple with it the name of Mr. Alderman Finnis. (Cheers.)

ALDERMAN FINNIS.—At this late hour of the evening, I will not detain you. I had the honour of being present, some few years ago, when Sir James Brooke publicly stated the course of proceeding he should adopt; and I have the satisfaction of saying that he has most nobly fulfilled his engagements. I hope he will live long to uphold the British character in the land of his adoption. (Loud cheers.)

The company then separated.

ADMINISTRATION
OF
CIVIL JUSTICE IN BRITISH INDIA,
FOR A PERIOD OF FOUR YEARS,
CHIEFLY FROM 1845 TO 1848, BOTH INCLUSIVE
BY
COLONEL SYKES, F.R.S.



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Administration of Civil Justice in British India, for a period of Four Years, chiefly from 1845 to 1848, both inclusive. By COLONEL SYKES, F.R.S.

I SUBMITTED to the Statistical Society, on the 20th March, 1843, tables of the administration of civil and criminal justice in British India for a period of four years, together with details of the nature and constitution of the several courts, their functions and powers. On the 11th August, 1848, I submitted to the Statistical Section of the British Association at Swansea*, a similar series of four years, with a view to show how far the results of the two periods corresponded. I now submit a third series of four years, embracing in all twelve years; and, as the whole will give the numerical details of a long period, if the results be found to have a certain degree of uniformity it may be legitimately asserted that, to a certain extent, normal conditions have been established. I am glad to say, that these relations and consequences are manifest in the third series; and it may be broadly stated that the Act of 1833, enjoining upon the East India Company the extensive employment of natives in places of trust and responsibility, has been eminently successful, so far as their aid in the administration of justice is concerned. The present tables from the different Presidencies, like the former, want a common character; but, as the forms of tables which were sent to India some years ago to be adopted by all the Company's courts in India, have now been directed to be brought into use, it is believed, that for the future the uniformity of system will admit of rigid comparisons being established, not only between one court and another of the same Presidency, but between the returns from the different Presidencies. Instead of giving the results of the operations of the several tribunals for each year separately, I have thought it better, for the sake of condensation, to give the aggregate results of the four years, 1845-6-7-8, and the per centages upon the aggregate. And first with respect to the Bengal Presidency.—The total number of cases admitted and readmitted in these four years, inclusive of 44,920 depending, on the 1st January, 1845, was 540,327. The total number disposed of in this period was 431,679, and 62,777 were transferred between the different courts, leaving undisposed of, on the 31st December, 1848, an aggregate of 45,877† cases, a small increase on the first three years; the chief accumulation of arrears having taken place in the courts of the Zillah and city judges, and Principal Sudder Ameens, although the city and Zillah judges transferred to other courts annually rarely less than 10,000 cases. The Sudder Ameens diminished their arrears from 1,650, in 1845, to 1,381, in 1848; and the Moonsiffs diminished theirs from 35,449 cases to 31,078 cases. The two minor courts, therefore, got through their business faster than the superior courts, but this may be attributed to their limited jurisdiction for small amounts. One very satisfactory feature in the returns is, the very large number of cases which were mutually

* See *Journal of Statistical Society*, February, 1849.

† There is a typographical error of six suits somewhere.

arranged; even in the great interests at stake before the *Sudder Adawlut*, by Table VIII., it would appear that 45 cases were settled to the satisfaction of both parties; and in the lower courts there were no less than 51,186 cases. The defaults are not satisfactory, for there are 67 in the ultimate court of appeal, and 101,616 in the lower courts, seeming to indicate that there must have been a great amount of vexatious litigation. The per centage of the work done of the 431,679 cases by the different courts was as follows:—

Tribunals.	Number of Cases determined in Four Years.	Per Centage of whole work done.	Or One in
<i>Sudder Adawlut</i>	1,785	0·41	242 cases
<i>Zillah and City Judges</i>	13,119	3·04	33 „
<i>Principal Sudder Ameens</i>	34,999	8·11	12·3 „
<i>Sudder Ameens</i>	8,314	1·92	52·0 „
<i>Moonsiffs</i>	373,462	86·52	1·1 „
Total	431,679	100·00	

We hence see that the highest appellate court did not do a-half per cent. of the whole work, and only one in every 242 cases came to the court. The European *Zillah* judges did 3 per cent. of the work, and the remaining 96½ per cent. of the work was done by the native judges; the principal *Sudder Ameens* 8 per cent.; the *Sudder Ameens* less than 2 per cent., and the *Moonsiffs* 86½ per cent. Why the *Sudder Ameens* should have done less work than the European *Zillah* judges is not explained. The above remarks relate to original and appeal suits; but the quality of the work done will best be shown by the respective amounts of the appeals from the decisions of the tribunals—as exhibited in the following table:—

Bengal—Appeals against Decisions of

	Number of Suits Appealable in Four Years.	Number Appealed in Four Years.	Number Reversed or Modified.	Per Centage Appealed.	Per Centage Reversed or Modified of Appeals.	Per Centage Reversed to Total Appealable Cases.
<i>Zillah Judges</i> .....	...	1,080	142	...	13·2	....
<i>Principal Sudder Ameens</i>	28,520	3,669	1,271	12·8	34·6	4·4
<i>Sudder Ameens</i>	6,057	2,301	797	37·9	34·5	13·1
<i>Moonsiffs</i>	230,482	34,964	11,207	15·1	32·0	4·9

From the *Zillah* judges' courts the total number of appeals was 1,188*, but as 108 were depending at the end of 1848, only 1,080 appeals were decided by the *Sudder Adawlut*, of these, 13·2 per cent

* Vide Table III.

were reversed or modified; but as 382 cases were remanded to be re-tried, the want of confirmations against the decisions of the Zillah judges really amounted to 48·5 per cent. The Principal Sudder Ameens had 3,669 cases appealed to, the higher courts, and 1,271 reversed or modified; the per centage on the whole appealable cases was, therefore, 12·8 per cent., the per centage of the appealed cases reversed was 34·8 per cent.; but the per centage of reversals to the whole appealable cases was only 4·4 per cent. The Sudder Ameens appear to have been the least efficient of all the judicial officers, European or native, for in only 6,037 appealable suits, 2,301 were appealed, and 797 reversed or modified; so that the per centage appealed was 37·9, the reversals 34·5 per cent., and the per centage of reversals to the whole appealable cases, 13·1. Although the per centage of the appealed cases reversed is not greater than that of the Principal Sudder Ameens, yet the per centage of the appealed cases, and of the reversals, is so much greater than in any other court, that there would seem to be some cause for it, which demands inquiry. The great mass of business was performed by the lowest courts, those of the Moonsiffs, and very creditably to them. Out of 230,482 cases, only 15·1 per cent. were appealed; and though 32 per cent. of the cases so appealed were reversed or modified, it was less than in any other court, and the reversals were less than 5 per cent. of the whole appealable suits. Table V. gives the average duration of a suit during the four years under review in the different courts; and considering the great interests with which the Sudder Adawlut only acts, a chancery suit, which ranges in duration from 1 year 4 months and 16 days, in 1846, to only 9 months and 12 days, in 1848, may not be looked upon as unreasonably long. In 1848 the Zillah judges took 1 year 8 months and 27 days to each suit; but in 1845 the time was only 8 months and 11 days. The Principal Sudder Ameens increased the average time of a suit gradually from 6 months and 23 days to 9 months and 18 days. In a similar manner the Sudder Ameens increased theirs from 4 months and 17 days to 7 months and 13 days, in 1848: an additional subject for inquiry. The Moonsiffs, with their mass of business, diminished the average time of a suit from 4 months and 10 days to 3 months and 28 days.

The suits appealed to the Sudder Adawlut in four years amounted to 2,120, inclusive of 420 depending, on the 1st January, 1845; of this number, 1,785 were disposed of, leaving 335, on the 1st January, 1849; so that this court had not allowed any accumulations of arrears. The value of these suits was nearly $5\frac{1}{2}$ millions sterling, 5,479,124*l*. The value of the original suits before the other courts was nearly 16½ millions sterling, 16,447,045*l*; and the value of the appeals before these courts was 1,396,486*l*. Table VII. gives the value of the suits before the Sudder Adawlut arranged in five denominations of value; and it may cause surprise to find, that 323 of these are for sums under 50*l*., while for sums above 1,000*l*. there are 521 suits.

The subjects of the suits chiefly, as at the other Presidencies, relate to debt and land; but, unlike the other Presidencies, there is a disproportionate number connected with religion, caste, &c.

As the population of the Regulation Provinces of Bengal is estimated at 36,848,981, there was one suit to every 341 souls annually, or one suit to every 75½ families, at 4½ souls to a family.

Civil Justice, Bengal, 1845, 1846, 1847, and 1848.

TABLE I.—Operations of the several Tribunals.—Original and Appeal Suits.

	Depending 1st January.				Admitted and Re-admitted.				Disposed of.				Transferred to other Jurisdictions.				Depending 31st December.			
	1845.	1846.	1847.	1848.	1845.	1846.	1847.	1848.	1845.	1846.	1847.	1848.	1845.	1846.	1847.	1848.	1845.	1846.	1847.	1848.
Sudder Dewanny Adawlut	420	446	472	496	383	286	551	480	357	260	527	641	...	...	...	...	446	472	496	336
Zillah and City Judges	2,864	3,231	4,048	6,016	14,686	14,776	14,917	13,847	3,503	3,430	3,119	3,097	10,816	10,529	9,836	10,723	3,231	4,048	6,016	5,073
Principal Sudder Ameens	4,537	5,298	5,221	5,891	10,695	9,126	9,594	10,699	8,994	8,766	8,209	9,030	940	437	715	550	5,298	5,221	5,891	7,010
Sudder Ameens	1,650	1,400	1,510	1,266	3,223	2,755	2,000	1,845	2,509	2,460	1,817	1,528	664	185	427	202	1,400	1,510	1,266	1,381
Moonsiffs	35,449	35,269	33,676	33,084	103,599	96,900	96,359	89,086	98,960	94,398	92,795	87,309	4,910	3,995	4,156	3,783	35,269	33,676	33,084	31,078
Total	44,920	45,644	44,927	46,753	132,286	125,743	123,421	115,957	114,323	109,314	106,467	101,575	...	...	...	...	45,644	44,927	46,753	46,877

TABLE II.—Appellate Jurisdiction over the several Classes of Native Judges.

	Appealable.				Appealed.				Affirmed.				Modified and Reversed.			
	1845.	1846.	1847.	1848.	1845.	1846.	1847.	1848.	1845.	1846.	1847.	1848.	1845.	1846.	1847.	1848.
Principal Sudder Ameens..	7,518	7,208	6,618	7,176	919	846	912	992	498	488	302	399	371	335	265	300
Sudder Ameens.....	1,776	3,765*	1,348	1,168	720	650	493	433	370	314	261	219	226	212	197	162
Moonsiffs	69,328	58,104	58,669	54,351	8,714	8,641	9,004	8,605	4,071	4,046	3,612	3,762	2,767	3,041	2,706	2,703

* As this exceeds the whole number of cases decided, it is probably a mistake for 1,765.

TABLE III.—Appellate Jurisdiction of Sudder Dewanny Adawlut over Zillah Judges and Principal Sudder Ameens.

	Number of Appeals.				Affirmed.				Reversed or Modified.				Remanded for Re-trial.				Otherwise Disposed of.				Pending.			
	1845	1846	1847	1848	1845	1846	1847	1848	1845	1846	1847	1848	1845	1846	1847	1848	1845	1846	1847	1848	1845	1846	1847	1848
From Zillah Judges	800	213	355	320	19	19	33	54	20	84	38	50	123	30	127	102	2	7	6	6	136	123	151	108
From Principal Sudder Ameens	495	505	627	613	99	63	106	123	27	32	54	82	37	51	126	162	19	19	16	24	303	340	335	222

Abstracted by Chief Justice in 1848

TABLE IV.
Description of Original Suits.

	Connected with Land	Connected with Debt	Connected with Casts, Religion, &c	Connected with Indigo, Sugar, &c
1845	25,100	65,824	11,617	713
1846	25,333	58,035	12,295	669
1847	24,681	57,210	12,228	662
1848	23,056	53,837	11,396	446

TABLE V.
Average Duration of a Suit before the several Tribunals according to the Average Number of Decrees.

	1845			1846			1847			1848		
	Yrs	Ms	Dys	Yrs	Ms	Dys	Yrs	Ms	Dys	Yrs	Ms	Dys
Sudder Dewanny Adawlut	1	2	13	1	4	16	1	4	28	0	9	12
Zillah and City Judges	0	8	11	0	11	12	1	6	27	1	8	27
Principal Sudder Ameeris	0	6	23	0	6	23	0	7	29	0	9	18
Sudder Ameeris	0	4	17	0	5	13	0	5	21	0	7	13
Moonasiffs	0	4	10	0	4	2	0	4	3	0	3	28

TABLE VI
Total Value of Regular Suits depending at the end of the Year.

	1845	1846	1847	1848
	Rupees	Rupees	Rupees	Rupees
Before Sudder Adawlut	2,01,20,347	94,61,347	1,42,54,365	1,09,55,187
Other courts—Original	4,28,79,276	4,99,78,036	3,63,23,474	3,52,89,667
„ „ Appeal	19,62,691	18,59,963	71,92,446	29,49,760

TABLE VII.
Value of Suits before Sudder Dewanny Adawlut.

	Below 500 Rupees		Above 500 Rupees		Above 1 500 Rupees		Above 5 000 Rupees		Above 10,000 Rupees		Total
	Number of Suits	Value.	Number of Suits	Value	Number of Suits	Value	Number of Suits	Value	Number of Suits	Value	
		Rupees		Rupees		Rupees		Rupees		Rupees	
1845	78	15,379	55	59,884	51	1,64,193	126	9,64,617	186	1,89,16,314	2,01,20,347
1846	76	13,952	65	65,691	49	1,57,780	138	10,66,068	144	61,67,886	94,61,347
1847	109	16,909	60	57,017	53	1,71,452	135	10,05,846	139	1,30,03,141	1,42,54,365
1848	60	11,110	53	62,454	43	1,30,867	77	6,06,992	102	1,01,48,764	1,09,55,187
Total	323	57,350	233	245,026	196	624,242	476	3,64,543	562	5,82,11,106	5,47,91,244

TABLE VIII.

Number of Suits Dismissed from Default and Adjusted or Withdrawn.

	Years	Defaults	Adjusted or Withdrawn
Sudder Courts	1845	17	10
Ditto	1846	15	12
Ditto	1847	13	9
Ditto	1848	22	14
Total		67	45
Other Courts	1845	27,319	14,797
Ditto	1846	25,175	13,625
Ditto	1847	24,630	11,783
Ditto	1848	24,492	10,981
Total		101,616	51,186

Administration of Civil Justice in the North-West Provinces, or Agra Government, for a period of Four Years, from 1845 to 1848, both inclusive.

Making the several additions and deductions for receipts and transfers in the several courts of the North-West Provinces, the total cases, original and appeal, for decision, in the four years, from 1845 to 1848, both inclusive, was 297,169, distributed as follows:—

	Total Number of Suits in Four Years for Decision	Total Number Decided by each Court	Per Centage of work done by each Court to whole number	Per Centage of work done by each Court of the Cases decided	Or One Case in
Sudder Adawlut	901	844	0 28	0 31	330
Judges	17,829	15,497	5 21	5 56	11·5
Principal Sudder Ameens	24,058	22,039	7·42	7 90	12 6
Sudder Ameens	27,769	26,178	8 81	9 40	10·6
Moonsiffs	226,612	214,037	72·02	76·83	1·3
Total	297,169	278,595	100 00*	100·00	

* Including 6·26—the per centage of work undone.

Although the Supreme Court, which is exclusively an appellate court, only decided about three decimals per cent. of the whole number of cases judged in four years, the mere per centage of labour is necessarily no type of the great interests at stake, nor of the deliberation required. And the same may be said of the judges, who did little

more than $5\frac{1}{2}$ per cent. of the whole work; and as of the whole number of cases, 15,497, decided by the judges, only 271 were original suits: the work done was upon appeals. About every 330th suit was appealed to the Sudder Adawlut or chancery, and about every 11th to the European judges. The Principal Sudder Ameens have also appellate as well as original jurisdiction; and the appeals received by their courts approached the original suits in the proportion of 11,044 to 12,402. They appear to have done nearly 8 per cent. of the whole work, and every 12.6 suit came under their cognizance. The Sudder Ameens have not appellate jurisdiction, and they did nearly $9\frac{1}{4}$ per cent of the whole work, and every 10.6 suit came before them. As might be expected from the number of the courts, and the small interests involved, the great mass of work was done by the Moonsiffs, amounting to 72 per cent., which, however, is much less than at the other Presidencies. The total per centage of the work done by the native judges was $94\frac{1}{4}$; and the only mode of estimating the quality of this work, and the satisfaction it gave, is by the number of appeals and reversals

Appellate Jurisdiction over the several Tribunals.

	Appealable Suits	Appealed	Per Centage Appealed	Reversed or Modified	Per Centage of Appealed Cases Reversed or Modified	Per Centage of Reversals or Modifications to all Appealable Cases
Judges	15,742	374	2.3	296	79.1	1.9
Principal Sudder Ameens	22,478	4,776	21.2	1,301	27.2	5.8
Sudder Ameens	19,098	3,150	16.4	1,232	39.1	6.4
Moonsiffs	144,612	21,892	15.1	6,810	31.1	4.7
Total	201,930	30,192	14.95	9,639	31.90	4.77

The above table exhibits some features with respect to the judges, which the official returns do not assist me to explain. In four years the European judges had only 271 original suits to decide, consequently the remainder were cases of appeal from the lower courts to the judges; from these decisions on the appeals only 374 cases, or 2.3 per cent, were appealed to the highest tribunal; but the reversals (296) of these more than doubled the per centage of the most unfavourable of the lower courts, amounting, in fact, to 79.1 per cent., or nearly four-fifths of all the cases appealed. I am disposed to think there must be some error in the tables. The Principal Sudder Ameens, who have appellate as well as original jurisdiction, appear to have had more appeal cases referred to them than original suits. The per centage appealed was 21.2, but the reversals of these was smaller than in any of the other courts, amounting to 27.2 per cent.; that of the judges being 79.1. The per centage of the reversals or modifications to the whole appealable cases was 5.8 per cent. The Sudder Ameens

and Moonsiffs, who have only original jurisdiction, had a smaller per centage appealed than the Principal Sudder Ameens, being respectively 16·4 per cent. and 15·1 per cent.; but the Sudder Ameens had a larger proportion, 39·1 per cent., of reversals than any tribunals, excepting the judges, while the per centage of reversals to all the appealable cases, 6·4 per cent., was greater than in any other courts except those of the judges. On the whole, the Moonsiffs appear to have the least to be said against them: in the smallest per centage, 15·1 of appeals, and of reversals 4·7 per cent., to the whole appealable cases, excepting the judges. The per centage of reversals of all the appealable cases before all the courts was 4·77 per cent.

The next important branch of the administrative processes is the duration of a suit; and in this all the judges, whether European or native, appear to considerable advantage. The average duration of a chancery suit ranged, in the different years, from 5 months and ·085 days to 6 months and ·118 days. The judges, in 1845, got through a suit in 5 months and ·043 days; but in 1847 and 1848, the duration of the suits ranged from 7 to nearly 8 months. The Principal Sudder Ameens varied in their expedition from 3 months and ·343 days, in 1845, to 4½ months, in 1847. The Sudder Ameens were quicker than any of the preceding courts, the duration of a suit ranging from 2 months and ·853 days, in 1848, to 3 months and ·480, in 1846; and these judges, unlike the same class in Bengal, did the greatest amount of work except the Moonsiffs. The speediest judges were the Moonsiffs, with the smallest per centage of appeals and reversals; the duration of a suit in these courts ranged from 2·692 months, in 1847, to 3·134 months, in 1845. The value of property litigated was very considerable. The highest court of appeal, the Sudder Adawlut, in four years passed judgment upon 670,417*l.*; and the amount before the lower courts was 4,048,907*l.*, including 349,298*l.* appealed, the total amount, therefore, being 4,719,304*l.* sterling. The total amount appealed was 1,019,715*l.*, or 21·6 per cent. of the whole amount upon which judgment was passed, a result favourable to the administration of civil justice, considering the facilities and cheapness of appeal in India.

The suits chiefly related to debt, 293,160, and next land, 65,091. The people would appear to live very amicably together with respect to religious matters, as in four years there were only 332 suits about polemics, caste, or endowments. Table IV. shows the number of suits determined in favour of the plaintiffs and defendants respectively, and the very great preponderance of decisions in favour of the plaintiffs indicates that their litigation was neither frivolous nor vexatious. As the population of the North-West Provinces, by the revised census of 1848, was 23,799,668, and the total number of suits in four years was 297,189, it follows there was one suit to 319 souls annually; and, as a family averages about 4½ souls, every 71 families had a law suit annually.

Civil Justice, North-West Provinces, for 1845, 1846, 1847, and 1848.

TABLE I.

Sudder Dewanny Adawlut.

	Depend- ing 1st January	Admitted	Total.	Decided				Otherwise Disposed of				Grand Total Decided and otherwise Disposed of	Depend- ing 31st December.
				Con- firmed	Reversed	Modified	Total	Returned	Dismissed	Adjusted	Total.		
Regular Appeals, 1845	87	97	184	29	18	20	67	15	7	10	32	99	85
Ditto 1846	85	63	148	46	16	10	72	13	4	2	19	91	57
Ditto 1847	57	44	101	22	10	9	41	7	1	3	11	52	49
Ditto 1848	49	83	132	22	13	5	40	6	5	4	15	55	77
Special Appeals, 1845	46	128	174	33	32	7	72	68	2		70	142	32
Ditto 1846	32	103	135	21	22	6	49	51			51	100	35
Ditto 1847	35	163	198	30	17	11	58	96	4		100	158	40
Ditto 1848	40	133	173	33	16	8	57	90	....	..	90	147	26
Total .....	...	814	.	236	144	76	456		23	19	388	844	

Abstract of Civil Justice in North-West Provinces

TABLE II
Subordinate Courts.

Number of Judges	Court	Depending 1st January	Admitted	Received by Transfer from other Courts	Transferred to other Courts	Disposed of	Depending 31st December
<i>Judges</i>							
19	1845 { Original	4	88	492	572	10	2
	{ Appeals	1,664	6,723	84	2,816	3,980	1,675
19	1846 { Original	2	61	880	936	3	6
	{ Appeals	1,675	6,520	99	2,548	3,900	1,856
19	1847 { Original	6	58	92	135	8	13
	{ Appeals	1,856	6,565	81	2,538	3,608	2,357
19	1848 { Original	13	71	548	612	11	9
	{ Appeals	2,357	7,058	75	3,181	3,977	2,332
Total			28,814	2,353	13,338	15,497	
<i>Principal Sudder Ameens</i>							
22	1845 { Original	975	2,254	1,045	221	3,026	1,027
	{ Appeals	610		2,946	148	2,809	599
22	1846 { Original	1,027	2,085	816	122	2,901	905
	{ Appeals	599	2	2,609	122	2,392	696
22	1847 { Original	905	2,006	1,183	152	2,621	1,321
	{ Appeals	696		2,686	126	2,559	697
22	1848 { Original	1,321	1,988	651	106	2,815	1,039
	{ Appeals	697		3,245	36	2,916	980
Total			9,920	15,171	1,033	22,039	
<i>Sudder Ameens</i>							
14	1845—Original	1,339	5,668	1,255	206	6,300	1,756
15	1846—Do	1,756	5,272	1,353	193	6,347	1,841
15	1847—Do	1,841	5,548	1,446	122	6,848	1,865
15	1848—Do	1,865	5,306	1,229	126	6,683	1,591
Total			23,133	5,283	647	26,178	
<i>Mooniffs</i>							
97	1845—Original	12,223	56,733	1,271	2,435	53,761	14,031
104	1846—Do	14,031	53,075	2,557	3,724	53,001	12,938
99	1847—Do	12,674	55,999	1,206	2,890	54,713	12,276
99	1848—Do	12,276	53,395	1,387	2,185	52,562	12,311
Total			231,425	6,421	11,234	214,037	

The above returns do not include the Hill Provinces, and there are some immaterial graphical or typographical errors in the number of suits depending

TABLE III.
Appellate Jurisdiction over the several Tribunals.

	Appealable				Appealed.				Affirmed				Modified or Reversed.			
	1845	1846	1847	1848	1845.	1846	1847	1848	1845	1846	1847	1848	1845	1846	1847	1848.
Principal Sudder Ameens	5,727	5,511	5,363	5,877	1,306	1,125	1,112	1,233	683	709	563	707	333	373	276	319
Sudder Ameens	4,541	4,844	4,115	5,548	854	934	961	401	492	449	472	537	284	269	290	389
Moonsiffs	34,947	35,952	38,241	35,472	5,592	5,365	5,305	5,630	3,379	3,113	3,069	2,358	1,862	1,538	1,642	1,768
Judges	4,147	3,986	3,578	4,031	88	76	117	93	28	18	21	28	75	59	86	76

The Judges' cases are almost exclusively appeals, and the Sudder Adawlut only decides on appeals from the Judges.
The above return includes the Hill States.

TABLE IV.
Results of Original Suits Decided on Trial.

	In favour of Plaintiffs.				In favour of Defendants.				Total.			
	1845	1846	1847	1848	1845	1846	1847	1848	1845	1846	1847	1848.
Before Judges	7	.	2	3	2	2	4	7	9	2	6	10
Before Principal Sudder Ameeris	1,681	1,639	1,492	1,581	667	689	632	627	2,348	2,328	2,124	2,208
Before Sudder Ameeris	2,951	3,120	3,251	3,354	810	985	980	932	3,761	4,105	4,231	4,286
Before Moonsiffs	28,790	28,908	30,403	27,361	5,681	6,435	6,411	7,486	34,471	35,343	36,816	34,847

TABLE V.
Description of Original Suits.

	Relating to Land.	Relating to Debt, Silk &c	Relating to Indigo, Sugar, Silk &c	Relating to Religion
1845	17,253	46,680	755	55
1846	16,745	43,148	707	92
1847	15,270	51,966	878	81
1848	15,823	51,466	756	104
Total	65,091	193,260	3,096	332

TABLE VI.
Average Duration of a Suit.

	Disposed of during the Year				Depending at the end of the Year				Average Duration			
	1845	1846	1847	1848	1845	1846	1847	1848	1845	1846	1847	1848
Sudder Dewanny Adawlut	241	191	210	202	117	92	89	103	Ms Dvs 5 835	Ms Dvs 5 780	Ms Dvs 5 085	Ms Dvs 6 118
Zillah Judges	3,990	3,903	3,616	3,988	1,677	1,862	2,370	2,341	5 043	5 724	7 865	7 044
Principal Sudder Ameens	5,835	5,293	5,180	5,731	1,626	1,601	2,018	2,019	3 343	3 629	4 674	4 227
Sudder Ameens	6,300	6,347	6,848	6,683	1,756	1,841	1,865	1,591	3 344	3 480	3 268	2 856
Moonsiffs	53,761	53,001	54,276	52,562	14,041	13,011	12,276	12,311	3 134	2 943	2 692	2 810

Average Duration of a Suit, in Months, Days, and Hours.

TABLE VII
Value of Property under Litigation at the Close of the Year

	Original Suits				Appeals				Total			
	1845	1846	1847	1848	1845	1846	1847	1848	1845	1846	1847	1848
Sudder Dewanny Adawlut . . .	..	.		..	2,683,988	1,405,681	1,241,089	1,373,419	2,683,988	1,405,681	1,241,089	1,373,419
Judges, &c., &c. .	4,450,449	4,045,545	8,121,363	20,378,717	724,799	692,728	997,160	1,078,295	5,175,246	4,788,273	9,118,543	21,467,012
Total . .	.	..			3,408,787	2,098,409	2,238,249	2,451,714	7,859,236	6,143,954	10,359,630	22,830,431

TABLE VIII.
Value of Appeals before the Sudder Dewanny Adawlut.

	To 300 Rupees		To 1,000 Rupees		To 5,000 Rupees		To 10,000 Rupees		Exceeding 10,000 Rupees		Total Value.
	Number of Appeals.	Value	Number of Appeals	Value	Number of Appeals	Value	Number of Appeals	Value	Number of Appeals	Value	
		Rupees		Rupees		Rupees		Rupees		Rupees	Rupees
1845	21	2,228	9	5,917	15	39,190	29	210,594	43	24,26,059	26,83,988
1846	15	1,551	15	9,344	14	44,212	27	216,042	21	11,34,532	14,05,681
1847	19	2,571	18	11,792	12	29,679	20	162,831	20	10,34,208	12,41,089
1848	17	2,509	10	7,355	18	41,447	31	248,102	27	10,74,006	13,73,419

Administration of Civil Justice under the Madras Government for the Years 1847, 1848, 1849, and 1850, both inclusive.

In drawing up the following tables I have been somewhat embarrassed, in consequence of the official returns from Madras, for 1847, differing very essentially in the forms of the tables from those of the three succeeding years. The returns for 1847 are probably equally correct with those for 1848-9 and 50, the last date for which returns have been transmitted; but the courts, facts and details, have a classification which does not admit of rigid comparison with the facts and details of the succeeding years. This observation is called for to explain some discrepancies, which can scarcely result from either clerical or typographical errors or omissions.

Table I. contains the numbers of the original and appeal suits for four years before all the courts; but the returns do not distinguish the suits depending, at the commencement of each year, from those instituted within each year. The total number of suits is 571,515, but this great number is swollen by the labours of a class of functionaries which does not exist under the other governments, namely, the village Moonsiffs, who had 46,609 petty suits; but deducting this amount there remain 524,906, exceeding, by nearly 150,000, the numbers under the other governments of India. The Sudder Adawlut determined 301 suits, a scarcely appreciable per centage, 0.05, of the total number; but these, of course, were appeals, and involving great amounts; and of the total number of suits actually decided, the Sudder Courts' per centage of work was 0.08.

	Total Number of Suits before all the Courts	Decided by each Court in Four Years	Per Cent age of the Suits actually Decided	One Suit Annually to Souls	One Suit to Families
Sudder Adawlut		301	0.08		
Judges		8,810	2.39		
Assistant Judges and Principal Sudder Ameens		17,780	4.83		
Sudder Ameens		41,432	11.30		
District Moonsiffs		253,026	68.70		
Village Moonsiffs		46,609	12.70		
Punchaets		130	0.04		
Total	571,515	368,088	100.00	156	35

The above table shows that the European judges, with the assistance of the Principal Sudder Ameens, performed 7.3 per cent. of the whole work; and the native judges 92.7 per cent.

Table I. exhibits two notable features, the very great number of suits, 78,585, dismissed for default, and the still more considerable number, 109,293, adjusted by mutual agreement. The first would indicate frivolous litigation, and the latter a commendable spirit of accommodation with opponents.

The following table gives the appeals and their results :—

	Appealable Suits	Appealed	Per Centage Appealed	Reversed or Modified	Per Centage of Appeals Reversed or Modified.	Per Centage of Reversals of Total Appealable Suits
Sudder Adawlut Judges	126	575 49	38.8	48 7	8.3 14.3	...
Subordinate Judges and Principal Sudder Ameens	5,551	1,276	22.9	350	27.4	6.3
Sudder Ameens	16,770	3,620	21.6	1,258	34.7	7.4
District Moonsiffs	46,140	6,066	13.1	1,511	24.9	3.3
Total	68,587	11,586	16.8	3,174	27.39	4.62

As might be anticipated, the greatest per centage of cases appealed from the amounts at stake is from the decisions of the European judges in original suits; but they have the smallest per centage of reversals, 14.3, except the Sudder Adawlut, 8.03; but the per centage of the reversals to the total appealable cases, 5.5, is greater than that of the Moonsiffs. It would appear that the lowest per centage of appeals, 13.1, is from the Moonsiffs' decisions; and as they decided 153,185 suits under the value of 10*l.*, or 100 rupees, this paucity of appeals is a natural result, but it is very creditable to them, that only 3.3 per cent. of their judgments were reversed of all their appealable cases. The per centage of suits appealed gradually increases in each court up to the judges, when it is at its maximum, 38.8 per cent. The greatest number of appealed cases reversed, 34.7, is in the Sudder Ameens' Courts, whose chief decisions were in suits for less than 20*l.* The per centage of reversals of all the courts upon all the *appealable* suits was little more than 4½ per cent.

From the Madras returns for 1848-9 and 50, I am enabled to give a curious table of the number of suits before each class of courts for the different amounts between certain fixed sums. It requires to be inspected to be understood, and it will repay the labour. The great mass of litigation is for amounts under 10*l.*; and there were only sixteen suits in those three years, before the highest court, the Sudder Adawlut, for amounts exceeding 1000*l.* The civil judges in the same period had seventy-eight suits above 1,000*l.*, and they did not try any suit below 50*l.*

The duration of suits, as will be seen from Table III., was reduced by the Sudder Court from one year eight months and three days, in 1847, to eleven months in 1850. The civil judges appear to have taken more time for their decisions than the Sudder. The Sudder Ameens got through their work faster than the other judges; and the district Moonsiffs take a much longer time (about six months) than under the other governments of India. The suits depending above two years in the different courts are comparatively few in relation to the whole number of suits, but they are greater than they ought to be; and considering that the mean duration of a suit in the District Moonsiffs' Court is about six months, the annual recurrence of nearly 2,000 cases, which have been upon the file above two years, requires explanation. The very great proportion of decisions in favour of plaintiffs shews that litigation was not vexatious nor frivolous.

The chief subjects in dispute were upon bonds, simple debts, and land.

The population under the Madras government, by the census of 1850-51, is stated to be 22,301,697, which will give about one suit annually to 156 souls, or one to nearly 35 families.

TABLE I.
Suits before the several Courts.

	On the File 1st of January, and Instituted.				Decided on the Merits.											
					On Trial, wholly or in part.				On Trial, Dismissed on Default.				On Trial, Dismissed or Referred.			
	1847.	1848.	1849.	1850.	1847.	1848.	1849.	1850.	1847.	1848.	1849.	1850.	1847.	1848.	1849.	1850.
Sudder Adawlut	166	160	144	105	19	80	87	52	49	...	...	...	3	2	1	2
Judges	1,686	6,130	5,013	5,896	16	1,482	1,705	1,872	...	804	749	1,236	459	78	84	77
Agencies .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Assistant Judges and Principal Sudder Ameens*	4,984	8,354	9,640	10,273	1,505	2,020	2,389	2,504	...	...	607	1,834	552	721	1,014	267
Sudder Ameens	16,023	18,167	18,736	20,329	4,636	4,058	4,425	4,929	131	425	2,449	2,510	2,598	2,830	2,931	3,311
District Moonsiffs	113,680	116,016	85,992	83,150	25,171	22,881	21,573	21,470	2,900	2,697	8,599	12,630	21,755	25,905	8,038	6,626
Village Moonsiffs	9,246	10,303	12,328	14,782	2,341	2,556	2,862	3,588	577	554	...	1,653	1,865	2,288	3,190	4
Panchaet District	47	33	21	21	6	5	2	3	...	...	...	...	9	6	6	4
Panchaet Village	31	35	45	35	14	8	13	7	...	...	...	...	2	6	5	4
Total	145,863	159,198	131,920	134,534									21,368	31,181	14,246	7,090
	Adjusted.				Total Decided.				In Arrear 31st December.							
	1847.	1848.	1849.	1850.	1847.	1848.	1849.	1850.	1847.	1848.	1849.	1850.	1847.	1848.	1849.	1850.
Sudder Adawlut .....	...	7	5	...	71	83	93	54	95	77	51	51	...	...	...	...
Judges	6	91	70	96	476	2,455	2,608	3,271	1,310	2,175	2,404	2,625	...	...	...	...
Agencies .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Assistant Judges and Principal Sudder Ameens*	544	1,230	1,312	1,261	2,601	3,971	5,352	5,856	2,132	4,218	4,288	4,417	...	...	...	...
Sudder Ameens	1,615	3,286	3,424	3,185	8,592	9,942	11,104	11,494	6,852	7,869	7,631	8,829	...	...	...	...
District Moonsiffs	19,347	26,421	17,060	17,041	65,603	75,207	55,550	53,666	43,012	38,476	30,442	29,484	...	...	...	...
Village Moonsiffs	2,249	3,234	3,573	4,182	6,820	7,655	8,703	10,960	2,328	2,647	3,625	3,772	...	...	...	...
Panchaet District	4	3	3	2	19	14	11	11	27	16	13	12	...	...	...	...
Panchaet Village	3	5	6	4	19	19	24	15	13	16	21	20	...	...	...	...
Total	23,768	34,271	25,483	25,771	87,501	99,346	83,445	85,325								
<p>Besides the ordinary work, a great amount of labour is bestowed upon miscellaneous matters, depending upon Petitions, application for Decrees, &c.</p> <p>* Includes Principal Sudder Ameens</p> <p>In the Appellate Courts the numbers include the appealed cases</p> <p>In 1848 the causes of dismissal were not distinguished in the returns</p> <p>Owing to the returns for 1847 being in different forms from those of following years, the balances are not in exact accord.</p>																

TABLE II
Appeals and their Results from

	District Munsiffs						Sudder Ameeris					
	Number of Appealable Decrees passed within the Year	Number Appealed within the Year	Affirmed by the Appellate Court	Reversed or Modified by Appellate Court	Remanded by the Appellate Court	Otherwise Disposed of	Number of Appealable Decrees passed within the Year	Number Appealed	Affirmed	Reversed or Modified	Remanded	Otherwise Disposed of
1847	10,728	1,396	669	435			3,358	613	367	327		
1848	12,160	1,461	678	512	162	96	4,058	809	447	307		42
1849	11,381	1,428	763	373	214	74	4,425	986	440	298	123	60
1850	11,871	1,781	800	391	219	95	4,939	1,152	462	326	107	65
Total	46,140	6,066	2,910	1,511			16,770	3,620	1,706	1,258		

	Subordinate Judges and Principal Sudder Ameeris						Judges						Sudder Adawlut				
	Number of Appealable Decrees passed within the Year	Number Appealed	Affirmed	Reversed or Modified	Remanded	Otherwise Disposed of	Number of Appealable Decrees passed within the Year	Number Appealed	Affirmed	Reversed or Modified	Remanded	Otherwise Disposed of	Number of Appeals	Affirmed	Reversed or Modified	Remanded	Otherwise Disposed of
1847	1,045	329	118	90			14	4					166	16	3	49	3
1848	1,311	389	162	55	99	32	36	12	5				189				80
1849	1,495	337	190	104	60	18	31	17	13	4			144	29	36	22	87
1850	1,700	421	169	101	32	28	45	16	4	3	1	2	105	13	9	31	53
Total	5,551	1,376	629	350			126	49		7			675		48		290

TABLE III.
Suits Pending in the different Courts, Original and Appeal.

	Suits Pending in the different Courts, Original and Appeal.																			
	1847.				1848.				1849.				1850.				1851.			
	Under One Year.	Under Two Years.	Above Two Years.	Total.	Under One Year.	Under Two Years.	Above Two Years.	Total.	Under One Year.	Under Two Years.	Above Two Years.	Total.	Under One Year.	Under Two Years.	Above Two Years.	Total.	Under One Year.	Under Two Years.	Above Two Years.	Total.
Sudder Adawlat*	33	38	24	95	31	24	23	77	32	13	6	51	26	19	6	51	...	...	...	...
Agencies	...	...	...	337	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Judges	1,300	350	96	1,746	1,634	400	141	2,175	1,806	481	117	2,404	2,088	477	110	2,625	...	...	...	...
Assistant Judges	...	...	...	268	...	...	...	...	1,132	607	223	1,962	1,052	365	119	1,526	...	...	...	...
Subordinate Judges or Principal Sudder Ameens	8,115	1,161	198	9,474	...	...	...	...	1,616	596	215	2,426	1,644	661	188	2,493	...	...	...	...
Sudder Ameens†	...	...	...	...	5,987	1,678	204	7,869	5,679	1,408	544	7,631	6,821	1,644	363	8,829	...	...	...	...
District Moonsiffs	...	...	...	43,012	39,614	7,754	1,109	38,476	22,870	3,730	1,842	30,442	23,343	4,071	2,070	29,484	...	...	...	...
Village Moonsiffs	...	...	...	...	2,095	329	223	2,647	2,921	458	246	3,625	3,204	430	138	3,772	...	...	...	...
Punchaect Village	...	...	...	13	6	1	9	16	8	5	6	21	8	3	9	20	...	...	...	...
Punchaect District	...	...	...	27	5	7	7	19	3	2	8	13	5	2	5	12	...	...	...	...

	Average Duration of Original Suits.										Gross Value of all Suits Decided.									
	1847.		1848.		1849.		1850.		1851.		1847.		1848.		1849.		1850.		1851.	
	Yrs.	Ms. Dns.	Yrs.	Ms. Dns.	Yrs.	Ms. Dns.	Yrs.	Ms. Dns.	Yrs.	Ms. Dns.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
Sudder Adawlat*	1	5 3	1	6 26	1	6 9	0	11 0	...	...	...	...	22,364	0 0	19,371	0 0	213,541	0 0	...	...
Agencies	0	8 3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Judges	1	0 29	1	0 19†	1	5 5	1	10 0‡	...	...	71,320	0 0	75,561	0 0	82,216	0 0	73,536	0 0	...	...
Assistant Judges	...	...	...	...	1	2 24	1	1 29	...	...	...	...	...	...	39,563	0 0	45,075	0 0	...	...
Subordinate Judges or Principal Sudder Ameens	0	8 0	0	0 0	0	10 28	0	11 24	...	...	...	...	...	...	69,403	0 0	46,464	0 0	...	...
Sudder Ameens†	0	5 22	0	7 23	0	7 0	0	5 24	...	...	...	...	85 433	0 0	89,854	0 0	98,099	0 0	...	...
District Moonsiffs	0	5 6	0	6 8	0	7 8	0	6 16	...	...	...	...	238,320	0 0	173,802	0 0	187,850	0 0	...	...
Village Moonsiffs	...	...	...	...	...	...	...	...	...	...	...	...	4,173	0 0	4,580	0 0	...	...	...	...
Punchaect Village	...	...	...	...	...	...	...	...	...	...	...	...	930	0 0	517	0 0	...	...	...	...
Punchaect District	...	...	...	...	...	...	...	...	...	...	...	...	167	0 0	44	0 0	146	0 0	...	...

* Appeals only.

† For Original Suits. Appeals 11-2 and 11 months

‡ Appeals 1 2 28

§ No Appeals decided.

|| Ditto.

TABLE IV
Character of Litigation.

	Total Number of Original Suits	For Plaintiffs	For Defendants	Total Number of Appeals Decreed	For Appellants	For Respondents.
1847	97,381					
1848	36,531	26,505	10,026	2,221	940	1,281
1849	27,524	23,426	4,098	2,568	1,165	1,403
1850	31,742	27,444	4,298	2,621	1,178	1,443
1851						

TABLE V.
Showing the Nature of the Litigation.

	For Land		For Houses or other Fixed Property		Arrears of Rent or Revenue		Bonds		Simple Debts		Damages		Allowances and other Personalities		Total.	
	Num ber of Suits	Amount	Num ber of Suits	Amount.	Num ber of Suits.	Amount.	Num ber of Suits	Amount	Num ber of Suits	Amount.	Num ber of Suits	Amount	Number of Suits	Amount	Num ber of Suits.	Amount.
1847	21,328	Rupees 8,61,687		Rupees.	34,339	Rupees 1,57,002			87,096	Rupees 1,140,379		Rupees	1,30,651	Rupees 35,28,645		Rupees. 56,90,616
1848	5,434	8,70,935	1,585	2,40,302	1,097	1,32,188	61,509	32,15,503	16,489	5,22,703	402	79,313	6,725	4,73,135	93,241	55,64,129
1849	4,602	7,23,406	1,503	1,43,719	854	66,786	45,768	29,07,992	11,235	4,96,339	317	62,441	6,255	3,24,088	70,434	67,14,835
1850	4,742	9,71,473	1,805	2,27,592	1,239	86,931	50,786	32,26,613	13,306	4,86,659	755	68,959	5,994	4,25,868	78,427	64,82,063
1851																

N.B.—For 1847 the number of Plaintiff and Defendants is given, and not the number of Suits

Value of Property in Litigation before the different Courts.

	Under 100 Rupees.	100 to 200.	200 to 300	300 to 400.	400 to 500.	500 to 1,000.	1,000 to 2,500.	1,000 to 5,000.	5,000 to 10,000.	10,000 and upwards.	Gross Value of Suite Disposed of during the Year.	Pending at the Close of the Year.
											Rupees.	Rupees.
Village Mooniffs												
1847	....	....	....	....	....	....	....	....	....	....	41,735	22,845
1848	....	....	....	....	....	....	....	....	....	....	4,15,304	21,072
1849	....	....	....	....	....	....	....	....	....	....	60,112	22,416
1850	....	....	....	....	....	....	....	....	....	....
District Mooniffs												
1847	....	....	....	....	....	....	....	....	....	....	23,82,200	16,30,283
1848	59,746	4,896	997	297	166	299	....	....	....	....	17,39,020	15,00,801
1849	47,709	4,887	1,032	273	145	264	....	....	....	....	18,76,500	15,58,040
1850	45,730	4,657	847	257	178	318	....	....	....	....
Sudder Amerna.												
1847	....	....	....	....	....	....	....	....	....	....	8,58,336	10,91,910
1848	7,084	1,241	389	132	66	149	123	....	....	....	8,98,548	10,93,521
1849	8,052	1,492	442	175	98	249	171	....	....	....	9,30,992	12,15,452
1850	8,057	1,757	532	170	82	224	176	....	....	....
Subordinate Judges, Principals, Judges, and Assistants to Agencies.												
1847	....	....	....	....	....	....	....	....	....	....	9,10,257	14,09,353
1848	2,107	834	232	69	74	148	....	156	31	....	8,07,003	14,89,244
1849	2,827	823	418	125	125	194	....	190	43	....	9,15,403	14,65,430
1850	3,003	926	270	116	94	226	....	210	28	....	
Civil Judges.												
1847	....	....	....	....	....	....	....	....	....	....	7,55,619	26,55,868
1848	....	....	....	....	....	1,500	....	80	8	24	8,22,169	21,74,392
1849	....	....	....	....	....	1,714	....	98	18	29	7,35,360	23,63,530
1850	....	....	....	....	....	1,955	....	103	21	25		
Sudder Adawlat.												
1847	....	....	....	....	....	....	....	....	....	....	2,28,643	5,92,213
1848	....	....	....	....	....	71	....	7	1	4	1,93,712	24,59,653
1849	....	....	....	....	....	65	....	16	6	6	21,35,416	6,01,542
1850	....	....	....	....	....	32	....	14	2	6		

*The Administration of Civil Justice under the Bombay Government,
from the Years 1845 to 1848, both inclusive.*

The total number of original suits instituted before all the courts, European and native, in four years, inclusive of 9,076 depending on the 1st January, 1845, and 918 of the Colaba State omitted in 1845, was 330,865, of these 194,354 were decided on the merits, 17,895 were dismissed, 15,003 were dismissed on default, and may therefore be looked upon as possibly frivolous and vexatious; and most creditably to the parties concerned, no less than 85,218 suits were adjusted by mutual agreement; and 5,436 were transferred from one court to another. The total decided, therefore, was 317,906. To these are to be added 18,852 appeals, making 336,968, besides 211 of the Sudder Adawlut, but leaving in arrears 12,959, which did not differ much from preceding years, so that the current business of each year was got through.

	Total Number of Suits in Four Years Decided including Appeals	Total Number Decided by each Court including Appeals	Per Centage of Work done by each Court of the Cases Decided	Or one Case in
Sudder Adawlut		211	0 06	1597
European Judges		21,701	6 40	154
Principal Sudder Ameens		21,859	6 50	15 0
Sudder Ameens		54,835	16 30	6.1
Moonsiffs		238,109	70 67	1.4
Punchaects		253	0.07	1376
Total	336,968*	336,968	100.00	

* There is an omission of one suit.

From the above table it would appear, that the European judges did about $6\frac{1}{2}$ per cent. of the whole work, their administration being almost entirely appellate. The native judges performed the remaining $93\frac{1}{2}$ per cent of the whole work. The Sudder Adawlut had only one appeal made to it in every 1,597 cases decided on by the lower courts; $70\frac{3}{4}$ per cent of the whole work was done by the Moonsiffs; $16\frac{3}{4}$ per cent by the Sudder Ameens; and $6\frac{1}{2}$ per cent. by the Principal Sudder Ameens; and of this work 680 were cases of appeal. The original suits disposed of by the judges were only 92, and by the assistant judges, 172; but the agent for Jaghirdars, and his assistants, decided 3,265 original suits, besides 179 appeal cases. The Punchaects were scarcely operative.

In the matter of appeals, the total number appealed in four years was 21,021, independently of 211 before the Sudder Court; and, as 2,169 remained undecided at the end of the period, 18,852 is

the number appealed upon 317,906 suits disposed of, or 5.9 per cent.—16,768 were decided, 711 dismissed on default, and 553 adjusted, and 820 were transferred to other files,—2,341 were appealed in four years from decrees of the European judges and assistant judges; and as these parties decided only 3,529 original cases, if the figures be right, no less than 66.3 per cent. of their decisions were appealed, while, of the 314,376 suits decided by native judges, only 17,042 were appealed, or 5.4 per cent.

The following table exhibits the appellate jurisdiction over the several courts, but does not give the appellate cases of the total number of suits decided, nor does it give the appeals from each court separately, as at the other Presidencies.

	Suits Decided	Appeals Decided	Per Centage Appealed	Reversed or Modified	Per Centage of Appealed Cases Reversed or Modified	Per Centage of Reversed or Modified Suits to all Suits Decided
Sudder Adawlut Judges		211		103	48.8	0.03
Assistant Judges		1,937		614	31.7	0.18
Principal Sudder Ameen, Sudder Ameen, and Moonsiffs		14,831		6,380	43.0	1.90
Total	317,906	18,852	5.9			

The official tables not giving the appeals against each class of judges, the per centage results in the above table are necessarily incomplete.

The aggregate value of the property in dispute in the original suits was 2,114,334*l.*; and in the appealed suits before the Sudder Court, 62,852*l.* 151,412, or about one-half of all the original suits were for amounts under one pound, and of these 4,484 were appealed, or 2.9 per cent., while for original amounts above 1000*l.* there were only 188, and of these 51 were appealed, or 27.6 per cent. In the whole four years there was only one person in jail for arrears of land tax due to government.

The census of 1851 gave the population of the whole Bombay Presidency, inclusive of the city of Bombay, at 9,015,534 souls, which would give one suit to every 26 $\frac{2}{3}$ souls, or less than six families, so that British subjects under Bombay must have an unexampled passion for litigation. 151,412 were for suits under one pound sterling.

Civil Justice, Bombay, for 1845 to 1848, inclusive.

TABLE I.

Statement of Original Suits on the File of the Adawlut Courts.

	On the File at the Commencement of the Period.	Instituted during the Period.	Total.	Disposed of.						By European Agents.		
				On Trial.		Dismissed on Default.	Adjusted.	Transferred to another File.	Total.	By the Judges.	By Agent, by Assistant Agent for Jaghirdars.	By Assistant Judgen.
				Decreed wholly or in part.	Dismissed.							
1845 ..	9,076	77,062	86,138	46,215	3,522	3,665	20,151	640	74,223	10	771	36
1846 ..	12,884	83,858	96,693	48,166	3,804	3,666	22,470	1,398	79,504	10	856	21
1847 ..	17,188	80,984	98,172	51,245	5,652	3,874	22,120	2,149	85,340	15	888	68
1848 ..	12,839	78,966	91,798	48,698	4,017	3,708	20,477	949	78,839	57	761	48
Total..	51,990	320,870	380,865	194,364	17,895	15,003	85,218	5,496	317,906	92	3,265	172

	By Native Agents.				Total Number Decided	In Arrears at the end of the Period.	Total Disposed of and in Arrears.	Aggregate Value of Suits Decided.	Number of Cases on the File for One Year and under.	From One to Two Years.	For any Period beyond Two Years.
	By 6 Principal Sudder Ameen.	By 14 Sudder Ameen.	By 66 Moonsiffs.	By Panchaect.							
1845 ..	4,390	12,692	56,229	86	74,223	11,915	86,133	Rupees. 39,54,819	11,668	192	55
1846 ..	4,774	13,755	60,019	70	79,504	17,188	96,692	40,01,849	16,735	373	80
1847 ..	6,494	14,649	63,178	48	85,340	12,832	98,172	42,43,187	12,379	371	82
1848 ..	5,512	13,739	58,683	49	78,839	12,959	91,798	89,43,891	12,569	290	100
Total..	21,179	54,835	238,109	263	317,906	12,959	330,865	2,11,43,346			

In 1846 the cases pending in the Colaba State were carried forward for the first time, 918; and the 9,076 pending in 1845 should have been increased by that number. In the Decisions upon the Merits 19 Jaghirdars have jurisdiction.

TABLE II.

Statement of Appeals to the Zillah Authorities from the Decrees of the Assistant Judges of the Assistant Agent at Poonah and of Native Functionaries.

	On the File at the Commencement of the Period	Preferred during the Period from Decrees of		Total	Decided					Appeals from the Assistant Judges			Appeals from the Native Functionaries and Panchaets			Total
		European Functionaries	Native Functionaries		On Trial		Ad-justed	Trans-ferred to other files	Total	Con-firmed	Amended	Reversed	Con-firmed	Amended	Reversed	
					Decreed wholly or in part	Dis-missed on Default										
1845	1,638	579	4,011	6,248	3,335	90	104	221	3 750	147	14	66	1,678	423	1,007	3,335
1846	2,498	355	3,954	6 787	2 841	153	137	326	3 457	339	27	115	1,232	262	866	2,841
1847	3,330	604	4,668	8,602	5 114	267	154	76	5 611	332	34	127	2,724	397	1,500	5,114
1848	2,991	803	4,409	8,203	5 478	201	158	197	6 034	505	40	191	2 817	401	1 524	5,478
Total		2,341	17,042	21,021	16,768	711	333	820	18 852	1 323	115	499	8,451	1,483	4 897	16,768

	Of these Decided by the Judge	Of these Decided by the Agents	Of these Decided by the Senior Assistants and Assistant Judges	Of these Decided by the Principal Sudder Ameens	Total Disposed of during the Period	On the File at the end of the Period	Total	Appeals on the File under One Year	For One Year and Upwards.
1845	1,112	10	2,415	213	3,750	2 498	6,248	2,251	247
1846	1,815	28	1,466	148	3,457	3 330	6 787	2,705	625
1847	2,484	56	2,862	209	5,611	2,991	8 602	2,827	164
1848	2,701	25	3,138	110	6,034	2,169	8,203	1,846	323
Total	8,112	179	9 881	680	18,852		29,840		

Statement of Appeals to the Sudder Dewanny Adawlut.

	On the File at the Commence- ment of the Period	Referred within the Period	Total	Decided			Con firmed	Amended	Reversed	Settled by Arbi- tration	On the File at the end of the Period.	On the File under one Year	On the File one Year and Upwards	Aggregate Value of the Appeals Decided		
				On Trial	Dismissed on Default	Adjusted.										
				Decided wholly or in Part												
1845	79	65	144	33			9	6	18		111	65	46	R.	A.	P.
1846	111	84	195	15		1	10		5	1	179	82	97	1,66,913	5	6
1847	179	76	255	41	5	2	27	3	11	2	207	75	132	1,41,020	15	8
1848	207	101	308	102	10	2	42	3	57	2	207	75	132	2,02,535	0	0
														1,24,061	0	0
Total		326	405	191	15	5	88	12	91	5	194	100	94	6,28,529	0	0

TABLE IV.

Statement of the Number and Description of Plaintiffs and Defendants in Suit, and of Debtors in Jail, at the Instance of Individuals and for Arrears of Revenue to Government.

	Plaintiffs			Defendants			Civil Debtors in Jail at the end of the Period					
	Zemindars	Ryots	Miscellaneous	Zemindars	Ryots	Miscellaneous	At the instance of Individuals	Amount of Debts	For Arrears of Revenue at the instance of Government	Amount of Arrears	Total Number in Jail	
1845	4,254	25,462	37,537	20,390	22,957	40,421	171	R. 2,90,690 A. 9 10	1	50	172	
1846	4,727	18,309	46,190	16,116	22,781	44,754	157	51,785 2 7		.	157	
1847	5,646	17,554	52,716	16,543	23,156	50,169	176	18,889 0 0			176	
1848	6,586	17,343	48,391	16,649	22,005	46,511	195	34,654 0 0		...	195	
Total	21,213	78,668	184,834	69,698	90,899	181,855	699				.	

TABLE V.

Abstract of Value of Appeals to the Zillah Judges, &c.

	Under 10 Rupees.	Under- 50 Rupees	Under 100 Rupees.	Under 200 Rupees	Under 500 Rupees	Under 1,000 Rupees	Under 10,000 Rupees.	Upwards of 10,000 Rupees	Total
1845	1,070	2,853	975	727	332	138	140	13	6,248
1846 ..	1,207	3,155	1,058	718	368	134	139	8	6,787
1847 .	1,646	3,716	1,419	921	514	186	187	13	8,602
1848 ..	1,561	3,738	1,260	816	449	162	200	17	8,203
Total	4,484	13,462	4,712	3,176	1,663	620	666	51	29,840

TABLE VI.

Abstract of Value of Original Suits.

	Under 10 Rupees.	Under 50 Rupees.	Under 100 Rupees	Under 200 Rupees	Under 500 Rupees.	Under 1,000 Rupees	Under 10,000 Rupees	Upwards of 10,000 Rupees	Total.
1845	36,708	37,781	5,899	3,273	1,563	462	416	36	86,138
1846 ..	38,773	44,503	6,870	3,833	1,767	452	446	48	96,692
1847	39,130	45,378	6,934	3,816	1,851	540	465	50	98,172
1848	36,801	42,191	6,517	3,559	1,658	480	440	46	91,798
Total	151,412	169,853	26,220	14,481	6,839	1,934	1,767	188	372,800

SUMMARY.

To give a compendious view of the results under the Four Governments, and to facilitate comparison, they are placed in juxtaposition.

Tribunals.	Bengal.			North-West Provinces.			Madras.			Bombay.		
	Number of Cases Decided in Four Years.	Per Centage of whole work done.	Or One Suit in	Number of Cases Decided in Four Years.	Per Centage of whole work done.	Or One Suit in	Number of Cases Decided in Four Years.	Per Centage of whole work done.	Or One Suit in	Number of Cases Decided in Four Years.	Per Centage of whole work done.	Or One Suit in
Sudder Adawlut	1,785	0.41	242	844	0.31	330	301	0.08	1223	211	0.06	1597
Zillah and City Judges	13,119	3.04	33	15,497	5.56	11.5	8,810	2.39	41.7	21,701	6.40	154
Assistant Judges and Principal Sudder Ameens .....	....	....	....	....	....	....	17,780	4.83	20.7	21,859	6.50	15
Principal Sudder Ameens	34,999	8.11	12.3	22,039	7.90	12.6	....	....	....	54,835	16.30	6.1
Sudder Ameens	8,314	1.92	52.0	26,178	9.40	10.6	41,432	11.30	8.8	....	....	....
Moonsiffs	373,462	86.52	1.1	214,037	76.83	1.3	253,026	68.70	1.6	238,109	70.67	1.4
Village Moonsiffs .....	....	....	....	....	....	....	46,609	12.70	7.9	....	....	....
Punchaects .....	....	....	....	....	....	....	130	0.04	....	253	0.07	1376
Total	431,679	100.00		278,595	100.00		368,088	100.00		336,968	100.00	

SUMMARY.—Continued.
Number of Suits annually to Population and Families.

Bengal.			North West Provinces			Madras			Bombay		
Estimated Population	One Suit per Head	One Suit to Families	Population by Census	One Suit to Souls	One Suit to Families	Population by Census	One Suit to Souls	One Suit to Families	Population by Census	One Suit to Souls	One Suit to Families
36,848,981	341	75½	23,199,668	319	71	22,301,697	156	35	9,015,534	26½	6

Number of Judges as the same stood in 1852

	Bengal	North West Provinces *	Madras	Bombay	Total
Sudder Dewanny Adawlut	5	3	4	4	16
Zillah Judges	25	21	20	10	76
Assistant Judges	4	1	9	7	21
Principal Sudder Ameens	32	21	6	5	64
Sudder Ameens	14	21	33	13	81
Moonsiffs	234	106	89	64	493
Total	314	173	161	103	751

* Exclusive of the Hill States.

Summary of Cases Comparison of Appeal Work under the four Governments

Tribunals	Bengal						North West Provinces					
	Number of Suits Appealable in Four Years	Number Appealed in Four Years	Number Reversed or Modified	Per Centage Appealed	Per Centage Reversed or Modified	Per Centage Reversed to Total Appealable Cases	Number of Suits Appealable in Four Years	Number Appealed in Four Years	Number Reversed or Modified	Per Centage Appealed	Per Centage Reversed or Modified	Per Centage Reversed to Total Appealable Suits.
Sudder Adawlut		3,428	337		9.8			844	220		26.0	
Zillah Judges*		1,080	142		13.2		15,742	374	296	2.3	79.1	1.9
Subordinate Judges and Princpl. Sudder Ameens												
Principal Sudder Ameens	28,520	3,669	1,271	12.8	34.6	4.4	22,478	4,776	1,301	21.2	27.2	5.8
Sudder Ameens	6,037	2,301	797	37.9	34.3	13.1	19,098	3,150	1,232	16.4	39.1	6.4
Moonstiffs	230,482	34,964	11,207	15.1	32.0	4.9	144,612	21,892	6,810	15.1	31.1	4.7
Total	263,059	45,442	13,754	17.14	30.26	5.18	201,930	31,036	9,859	14.95	31.90	4.77
Tribunals	Madras						Bombay					
	Number of Appealable Suits in Four Years	Number Appealed in Four Years	Number Reversed or Modified	Per Centage Appealed	Per Centage Reversed or Modified	Per Centage Reversed to Total Appealable Suits	Number of Appealable Suits in Four Years	Number Appealed in Four Years	Number Reversed or Modified	Per Centage Appealed	Per Centage Reversed or Modified	Per Centage Reversed to Total Appealable Cases
Sudder Adawlut		575	48		8.3			211	103		48.8	
Zillah Judges	126	49	7	38.8	14.3	5.5						
Subordinate Judges and Princpl. Sudder Ameens	5,551	1,276	350	22.9	27.4	6.3		1,937	614		31.7	
Principal Sudder Ameens												
Sudder Ameens	16,770	3,620	1,258	21.6	34.7	7.4						
Moonstiffs	46,140	6,066	1,511	13.1	24.9	3.3		14,831	6,380		43.0	
Total	68,687	11,586	3,174	16.86	27.39	4.62		16,979	7,097			

* As the Zillah Judges scarcely exercise any original jurisdiction, the figures in the tables must refer chiefly to suits appealed. The cases sent for re-trial are not included in the table.

In the Bombay Appeal Tables the appealable suits are not distinguished from those appealed, nor are the appeals against the decisions of the Zillah Judges stated. The Pargana and Sind, and the Non Regulation Provinces are not included in the preceding tables.

The miscellaneous proceedings of the Judges of the several courts embracing a very considerable amount of work, petitions, proceedings, applications for executions of decrees, petitions of special appeals, petitions for review, &c. &c., are not included in the tables from the several Presidencies.

Having detailed numerically the work done by the different civil courts in British India, this paper might, nevertheless, be deemed incomplete without offering some information on the initiatory expense of suits, and on the qualifications of the native judges and vakeels, or pleaders (quasi-barristers), who conduct suits in the courts of the civil judges. I append, therefore, the tables of the amount of the institution fee on a plaint at the different presidencies; in other words, the plaint must be written upon stamped paper, which is the property of government, of graduated values, corresponding to the amount in litigation; but in Bengal, and I presume in the North-West Provinces and Madras,* suitors in the Moonsiffs' courts are excused from the use of stamped paper, as would appear from a reply of the Sudder Adawlut, in the Bengal Regulations, to the inquiries of a judge.

"I am directed to inform you, that the exemption from stamp duty, under Regulation III., 1817, included all cases, in whatever courts tried, below 64 rupees; this was extended by section 9, Schedule B., Regulation X., 1829, to cases not exceeding 150 rupees. By section 9, Regulation V., 1831, cases tried before Moonsiffs, to whatever amount, are exempt from stamp. There is no subsequent enactment affecting this last rule. Clause 3, section 9, Regulation V., 1831, however, enacts, that no suits, however small the amount, which are instituted in the Zillah Court, shall be held exempt, whether eventually referred to the subordinate authorities or retained on the judge's file. Section 3, Regulation VII., 1832, prescribes the amount of stamp in cases instituted in Zillah courts, viz., 4 rupees in cases above 1,000 rupees, and 1 rupee in original cases not above 1,000 rupees, as well as appeals from Sudder Ameen and Moonsiffs. Con. No. 767, West. C. 8th March. Col. C. 29th March, 1833."†

Prices of Stamped Paper for Plaints in Original Suits.

Bengal		North-West Provinces	Madras	Bombay.		
Rupees	Rupees			Under 1 Rupee	No Stamp	Rs A
to 16				1 to 2	.....	0 2
16 to 32	2			2 to 5	.....	0 4
32 to 64	4			5 to 10	.....	0 8
64 to 150	8			10 to 20	.....	1 0
150 to 300	16			20 to 30	.....	2 0
300 to 800	32			30 to 40	.....	3 0
800 to 1,600	50			40 to 50	.....	4 0
1,600 to 3,000	100			50 to 75	.....	5 0
3,000 to 5,000	150			75 to 100	.....	7 0
5,000 to 10,000	250			100 to 200	.....	10 0
10,000 to 15,000	350			200 to 300	.....	20 0
15,000 to 25,000	500			300 to 500	.....	30 0
25,000 to 50,000	700			500 to 1,000	.....	50 0
50,000 to 100,000	1,000			1,000 to 1,500	.....	70 0
100,000 & upwards	2,000			1,500 to 3,000	.....	100 0
				3,000 to 5,000	.....	150 0
				5,000 to 7,500	.....	200 0
				7,500 to 10,000	.....	250 0
				10,000 to 15,000	.....	350 0
				15,000 to 25,000	.....	500 0
				25,000 to 50,000	.....	750 0
				50,000 to 100,000	.....	1,000 0
				100,000 to whatever amount	.....	2,000 0

The Stamps for Bonds, Promissory Notes, Marriage Settlements, Answer, Rejoinder, Razunamah, &c., &c., are of much less value.

* By India Legislative Act, No. xvii., of 1848, an institution stamp in the District Moonsiffs' Courts, at Madras, is sanctioned.

† Marhaman's Guide to Civil Law, chap. ii., sect. 27, clause 447, p. 151.

In Bombay the Moonsiffs have jurisdiction to the extent of 5,000 rupees; and stamp exemption under 100 rupees did exist till 1823, when, by Regulation III., the exemption was abolished and stamps reimposed to check needless lawsuits, with what effect will be seen.

As there are stamp fees in the Moonsiffs' Courts in Bombay down to a sum in litigation of half a crown only, suitors are placed in a very different position from those under the other Presidencies. How far these differences may influence the amount of litigation under the different governments, as exhibited in the table of suits relative to population, is a matter for grave consideration; for it is shown, that the litigation under Bombay is just six times the amount of litigation in Madras, and twelve and a half times the amount in Bengal.

With respect to the qualifications of the native judges, precautions are taken to insure their competency. For the most part they are selected from a class who have been or are the ablest and best instructed vakeels, or pleaders (quasi-barristers), who have practised or practise in the several courts. The vakeels or pleaders have a license or qualification certificate, to practise; but previously to obtaining this Sunnud, "the qualifications of a candidate for the station of pleader shall be determined by certificate from a committee consisting of two or more law officers, of different persuasions on the establishment of either the court of Sudder Dewanee Adawlut, or the Zillah court, where the candidate offers himself for practice; the selection of the members of the committee shall be made by the Sudder Dewanee Adawlut, and a judge of that court shall preside in the committee, and shall have the casting vote in case of the members of the committee being equally divided, and a negative vote in all cases."—Bombay Regulations, 11 of 1827, chap. 6, sect. XLVIII., clause 2.

Similar precautions are taken before candidates are appointed to the office of Moonsiff, from which station they usually rise, if zealous, efficient and honest, to be Sudder Ameens and Principal Sudder Ameens. The following are the regulations in Bengal for the examination of candidates for the office of Moonsiff:—

"181. That at each three Zillah stations in the North-West Provinces, and four in Bengal, to be selected by the governments of those Presidencies respectively, there be appointed a provisional committee of examination, consisting ordinarily, beside such person or persons as the government may think fit, of 1st, the Commissioner of the Division in which the station is situated; 2nd, the Zillah Judge; 3rd, the Magistrate; 4th, the Principal Sudder Ameen, or Principal Sudder Ameens, of the station."

"182. That all candidates for Moonsiffships be required to send in their applications for examination to a Zillah judge of the division within which they desire to be examined, at least two months before the examination to be held; but that no such application shall be presented to the judge who is a member of the examination committee.

"183. That the Zillah judge, after making such inquiries as he may deem proper, in order to ascertain that nothing exists against the character of the applicant to render him unfit to enjoy the privilege of examination, shall certify, on the face of the application, that the applicant may be examined."

* Reg. V. of 1831, sect. iii., and Marshman's Guide, sect. xvii. "Constitution and Jurisdiction."