## INDEX

Adam, Sir Frederick, Governor of Madras: 109.

Allahabad, establishment of Sadar Court at: 78-80.

Anderson, Sir George, Bombay judge: 145.

Anjar: 119.

Armenians: 128fn.

Babington, S., Bombay judge: 144. Baillie, E.H., Bombay judge: 145.

Barlow, Sir George: 62, 72, 85; on members of Council sitting as Judges; 104fn.

Barnard, T., Bombay judge: 144, 138fn. Bengal, The Sadar Court:

reconstitution of the Court in 1801, 11; later constitutional changes, 12; territorial jurisdiction, 14; judicial business, 20, 28; administrative business, 46; supervisory powers over lower courts, 47; over the police, 48; over prisons, 50; the drafting of regulations, 50; preparation of reports, 51.

The Sadar Dewani Adalat:

court language, 20; two judges to form a court, 20; law administered, 21, 22; appeals to the King in Council, 21; law officers, 22; pleadings, practice and procedure, 23; vakils, 23; decrees and judgements, 25; powers of single judges, 25.

## The Nizamat Adalat:

early history of, 4, 5; a court of reference and revision, 28; application of the Mohammedan penal law, 28, 36; the futwa, 28; decline in its importance, 34; language of the Court, 29; practice and procedure, 28; benches and single judges, 29; opinions of the judges not intended for publication, 31; the law officers, Mohammedan, 32; Hindu, 34; detention orders, 35; forms of punishment, 36, 44; sentences, 36; variation of sentences in the public interest, 39; sentences in the case of the mentally deranged, 38; conditional sentences, 38;

"the spirit of the Regulations", application of, in certain cases, 40; extension of the penal law to foreign settlements, 41; the Court's revisional powers, 39.

Bentinck, Lord William, Governor of Madras: 85; Governor General, 166; first Chief Judge of the Madras Court, 104; on the need for close supervision of the courts, 101; on members of Council sitting as judges, 104fn; on the independence of the judges, 166.

Bird, J., Madras judge: 109, 165fn.

Blunt, W., Bengal judge: 67, 68, 75; on slavery in India, 48fn.

Bombay City: transfer of Sadar Court to, 125.

Bombay, The Sadar Court:

establishment of, 119; constitutional changes of 1821, 119; territorial jurisdiction, 119, 123; conversion of Court of Appeal at Broach into the new Sadar Court, 120; disposal of appeals pending in the old court, 121; limitation on the Court's power to construe the Regulations, 121; constitutional changes of 1827, 122; the Court's administrative functions, 137.

The Sadar Adalat:

law administered by, 127; language of the Court, 128; practice and procedure, 129; powers of single judges, 129.

The Sadar Dewani Adalat:

establishment of, in 1827, 122; practice and procedure, 129.

The Sadar Foujdari Adalat:

the Court's powers, 132; law administered by, 132; changes made in 1827, 134; the Elphinstone Code, 134; procedure, 135; sentences, 135.

Brahmins, restriction on the imposition of the death penalty on: in Bombay, 136; in Benares, 136fn.

British subjects: jurisdiction of the Company's courts over, 7, 8, 92; nu mter of, in India in 1818, 7fn.

Broach: Court of Appeal at, 120; conversion of that court into the Sadar Court, 120.

Burges, F., additional Bengal judge: 63fn.

Casamaijor J.A., Madras Judge: 104, 105. Ceded Provinces: 14, 17.

Chandernagar (Chandernagore): 15.

Charters: 3.

Chief Judge: appointment held in Bengal by a member of Council, 4, 11; views of the Directors thereon, 12, 14; practice changed, 14; position in Madras 88; in Bombay, 119; office of, abolished in Bengal in 1829, 67, 73; office combined in Bombay with that of Agent for the Governor at Surat, 148.

Chinsura: 15.

Circuit: duty of Bombay judges to proceed on, 146; changes made in the circuits, 147. Circular Orders: 47.

Clerk, Sir George, Governor of Madras: 137fn.

Clarke, R.: 92fn, 100.

Cochrane, J., Madras judge: 108.

Colebrooke, Sir Edward: appointed Chief Judge, Calcutta, 65; Resident at Delhi, 66; dismissed the Service, 66.

Colebrooke, Henry: Bengal judge, 62, 72; combines offices of judge and member of the Board of Revenue, 63; a Fellow of Royal Society, 63.

Coleman, J., judge of Chingleput: 102.

Colvin, A.J. Allahabad judge: 81.

Commanders in Chief, acting as judges in Bombay: 119.

Commission for the Preparation of Regulations (Madras): 100.

Commission for the Review of the Judicial System (Madras): 87.

Commissioners for Criminal and Civil Justice for the Southern Mahratta Country: 124.

Commissioners for Criminal Justice for the Deccan: 123.

Committee for the Revision of the Regulations (Bombay): 122, 139, 144.

Competent Court: 129.

Conquered Provinces: 15, 16.

Constructions: 47.

Court of Requests, Calcutta: 3fn. Courtney Smith: see Smith, Courtney.

Crisp, B., Bengal judge: 64, 73.

Cuttack: 15.

Deccan, judicial arrangements in: 123.

Dehra Dun Tract: 15.

Delhi Territory: 16; jurisdiction of the Sadar Court for the Western Provinces over, 80.

Detention Orders in Bengal: 35.

Dick, W.F., Allahabad judge: 81.

Dorin, W., Bengal judge: 19, 26, 74, 76fn; referred to, 65.

Duncan, Jonathan, Governor of Bombay: his "Observations", 132.

Elliott, Hugh, Governor of Bombay: on the need for an increase in the number of judges, 87; on members of Council sitting as judges, 104fn; on the desirability of a judge having knowledge of Indian institutions, 108.

Elphinstone, J., Bombay judge: 142.

Elphinstone, Mountstuart, Governor of Bombay: on members of Council sitting as judges, 120; establishes a Committee to revise the Regulations, 122; on the separation of powers, 140; referred to, 121.

Elphinstone Code: 122, 134, 146.

English Department (Bengal): 46. Exchange of Offices: 107.

Ewer, W., Allahabad judge: 66.

Fendall, J., Bengal judge: 65, 73; referred to, 67.

Fombelle, J., Bengal judge: 14, 173.

Foreign law, application of: in Bengal, 22, 41; in Bombay, 132.

Fullerton, R., Madras judge: 104.

Futwa: defined, 28; decline in its importance, 34; referred to, 93, 94.

Goad, S.T., Bengal judge: 67, 73; referred to, 66.

Governor General in Council: power to frame Regulations, 4; appellate powers of, 88.

Gowan, G., Madras judge: 108.

Graeme, H.S., Madras judge: 107, 108; referred to, 165fn.

Grand Jury service, Madras: 109.

Grant, F.A., Madras judge: 108.

Grant, Sir Peter, 150.

Greenway, E.C., Madras judge: 105; his conduct disapproved of in Coleman's case, 102; and in Oakes' case, 107; removed from office, 107, 113; referred to, 87fn, 163, 165.

Index 179

Gujerat, Provincial Court for: 125. Gwillim, Sir Henry, Madras Supreme Court judge: 166.

Harington, J.H., Bengal judge: 62, 63; superseded by Burrish Crisp, 64; libelled by Charles Reed 14; referred to, 36, 50.

Harris, C., Madras judge: 107, 165fn.
Hastings, Lord: his criticism of the law officers, 32; on the need for a new court for the Western Provinces 78: terminates.

for the Western Provinces, 78; terminates appeals to the Bengal Government from Madras, 88.

Henderson, J., Bombay judge: 146.

Hill, David: his criticism of the Sadar Courts, 166.

Hindu law, application of: in Bengal, 21; in Madras, 90; in Bombay, 127, 132. Hudleston, W., Madras judge: 109. Hurdis, T.B., Madras judge: 105.

Ironside, E., Bombay judge: 143; favours transfer of the Court to Bombay, 143; a temporary member of the Council of

India, 144; referred to, 165fn.

Judges of the Sadar Courts: names of, in Calcutta, 72; at Allahabad, 81; in Madras, 111; in Bombay, 152; qualifications for appointment, in Bengal, 67; seniority of, inter se, 76; salaries of, in Bengal and Madras, 149fn; in Bombay, 147; liability to Grand Jury service in Madras, 109; status of, 165.

Judicial administration in the Presidencies, two systems of: 5.

Ker, R., Bengal judge: 73, 165fn. Khandesh: 123. King in Council: see Privy Council.

Kumaun, province of: 15.

Lambert, W., Allahabad Judge; 81. Law Officers: in Bengal, 22, 28, 32, 34; in Madras, 90, 95; in Bombay, 128,

132, 133, 134; Lord Hastings' criticism of, 132.

Leycester, W., Bengal judge: 64, 73; criticises the Court's procedure in civil cases, 25, 26; his views on detention orders, 36fn; the last judge in Bengal to be designated Chief Judge, 66.

Lord, H., Madras provincial court judge: 96fn.

Lumsden, J., Bengal judge: 62, 72. Lushington, C.M., Madras judge: 109, 165fn. Lushington, S.R., Governor of Madras: 164.

Mackenzie, Holt, his criticisms of the Sadar Courts: 166.

MacNaughton, W.N.: 20, 31.

Madras, The Sadar Court:

establishment of, 85; later constitutional changes, 86; restriction on number of judges, 88; appeals in civil matters to the Governor General in Council, 88; appeals to the King in Council, 89; supervision of police and prisons, 98; and of the subordinate courts, 101; preparation of regulations, 99.

The Sadar Adalat:

powers of, 90; practice and procedure, 90; powers of single judges, 91; vakils, 92. The Foujdari Adalat:

law administered by, 93; practice and procedure, 93; power to disregard futwa of acquittal, 93; powers of revision, 93; security for good behaviour, 94; sentences, 95; grants of pardon to accessories, 95.

Malcolm, Sir John, Governor of Bombay: on the transfer of the Sadar Court from Surat to Bombay, 125; on members of Council sitting as judges, 141; on the need for higher judicial salaries, 149.

Martin, W.B., Bengal judge: 67, 74; referred to, 76fn.

Maxtone, C., provincial court judge, Madras: 105fn.

Mayor's Court, Calcutta: 3fn.

Members of Council as judges: in Bengal 4, 5, 12, 13; in Madras, 88; in Bombay, 119, 141.

Mentally deranged persons: 38, 136.

Metcalfe, Sir Charles, Governor of Bombay, his criticism of the Sadar Courts, 166.

Minto, Lord, Governor General: advocates separation of the judicial and executive branches of government; 14

Misconduct by servants of the Company: 101; in Coleman's case, 102; in Oakes' case, 107, 113.

Mohammedan penal law: its influence in Bengal, 28; in Madras, 93; in Bombay, 132, 134; categories of punishment under, 36. Mohammedan personal law: application of in Bengal, 21; in Madras, 90; in Bombay, 127.

Monk, W.G., judge of the Chicacole: 96. Munro, Sir Thomas: senior member of Commission for the Review of the Judicial System in Madras, 87; Governor of Madras, 88; favours increase in the number of Judges: 88, 104.

Mylapilly Yarregndoo's case: 93, 96.

Nepean, Sir Evan, Governor of Madras: 142.

Newnham, W., Bombay judge: 145.

Oakes, R., Collector of Rajamundry: 107, 113,

Oakes, T., Madras judge: 104, 105. Offences against the State: 163.

Ogilvie, J.H.D., Madras judge: 87, 88, 106: member of Commission for the Pre-Regulations, 100; paration of the referred to, 165fn.

Oliver, W., Madras judge: 109.

Parr, T., Bengal judge designate: 64. Parsees: 127, 132, 136fn.

Persian language, use of the: 20, 90.

Police and prisons, supervision of by the Sadar Court: in Bengal, 44; in Madras, 98; in Bombay, 137.

Portuguese: 127,

Precedence of judges, inter se: in Bengal, 76; in Madras and Bombay, 77fn.

Privy Council: appeals to, 21, 88; summary of appeals decided by, 168.

Provincial Courts of Appeal, Madras:

Punishments: see Sentences.

Rattray, R.M., Bengal judge: 74, 79. Recorder's Courts, referred to: 5.

Reed, Charles, prosecution for criminal libel: 13.

Rees, W., Bengal Judge: 73; referred to, 63fn, 79.

Regulations, the preparation of by the Sadar Court: in Bengal, 50; in Madras, 99; in Bombay, 139.

Romer, J., Bombay judge: 142; combines office of Chief Judge and Agent for the Governor at Surat, 148; on the propriety of a member of the Government holding judicial office, 141; endeavours to improve Table of precedence, 1834: 167,

judicial salaries, 149; referred to, 129, 165fn.

Ross, A., Bengal judge: 26, 68, 74, 79; referred to, 67.

Sadar Courts: early history of, 3, 6; abolition of, 6; jurisdiction over persons, 7, 8; relations with the Presidency Governments, 162,

Salaries, judicial: see Judges.

Scott, A., Madras judge: 108; dismissed from office, 107, 113; referred to, 87, 163, 165.

Seely, C.T., Bengal judge: 67, 74; referred to, 79.

Sentences: in Bengal, 36, 44; in Madras, 94; in Bombay, 135.

Separation of the judicial and revenue branches of Government, 1809: 66.

Separation of powers: views thereon of Lord Wellesley, 11, 17; of Lord Minto, 14; of Lord William Bentinck, 85; of Sir Charles Metcalfe, Holt Mackenzie and David Hill, 166.

Serampore: 15.

Shakespear, H.D., Bengal judge: 74. Shakespear, J.T., Bengal judge: 74.

Slavery: 48fn.

Smith, Courtney, Bengal judge; 68, 74; his differences with the Government, 69; proposed removal from office, 71; referred to, 78, 162.

Southern Mahratta Country, judicial arrangements in: 123.

Speke, B., Bengal judge: 62, 72.

Stare decisis, rule of, not followed in Bengal: 23.

Strange, J., Madras judge: 104.

Stratton, G., Madras judge: 80; member of Commission for the Review of the Judicial System, 87; referred to, 105, 106, 165fn.

Stuart, J., Bengal judge: 46, 73; referred to, 78.

Supreme Courts, 4, 5, 150.

Surat: establishment of Sadar Court at, 119; of a Provincial Court at, 126.

Sutherland, J., Bombay judge: second judge of Provincial Court for Gujerat, 126; Chief Judge of the Sadar Court, 141; his Minute on Sir Peter Grant's speech, 157; referred to, 165fn.

Index 181

Treadwheels in Bombay: 138.

Tribunal of the Governor in Council, Bombay: 119.

Turnbull, M.H., Bengal and Allahabad judge: 67, 75.

Vakils: in Bengal, 23; in Madras, 92; in Bombay, 128.

Warren Hastings: 3,

Wellesley, Lord: favours the separation of powers, 11; reconstitutes the Sadar

Court in Calcutta, 11, 12; his Minute of 12 March 1801, 17; views on the independence of the judges, 167.

Western Provinces: establishment of a Sadar Court for the, 78, 80; views of the judges thereon, 79; judicial powers of the Court, 80; its territorial jurisdiction, 80; links with the Sadar Court at Calcutta, 80.

Women, restriction on death sentences on, in Bombay: 136.