

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	214	Press
17/19	March	Mis-
Dated	23-2-	19. 1860.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
for the month of February 1860.*

Read again letter from the Government of India, dated 21st November 1859, No. 2320, and recorded in Proceedings 15th December 1859, No. 1672.

Read also the following papers:—

No. 17. From the Honorable the Judges of Her Majesty's Supreme Court, Madras; to the Honorable the Governor in Council, &c. &c. &c., Fort Saint George, dated 14th January 1860.

We have the honor to acknowledge the receipt of your letter of the 15th ultimo, No. 1673. In reply to the questions submitted to us, we have no hesitation in expressing our opinion that the practice of imposing upon the Judge presiding at criminal trials the task of conducting the case for the prosecution is very objectionable.

The Judges of the Supreme Court of Madras convinced of the impropriety of that practice have been in the habit of directing the Clerk of the Crown to deliver briefs to Counsel in cases of more than ordinary difficulty or importance, not prosecuted by the Advocate General; and the expenses so incurred (about 100 Rupees in each case) have hitherto been defrayed out of the Fine fund.

We consider it however desirable that in every case Counsel should be instructed to conduct the prosecution and unless some Officer should be appointed with the more general functions of a public prosecutor, we think that the duty of delivering instructions to Counsel may be satisfactorily left with the Clerk of the Crown.

If the practice of instructing Counsel in every case should be adopted, the cost might be somewhat diminished, but at all events the change is one greatly to be desired for the sake of the satisfactory administration of criminal justice.

(Signed) H. DAVISON.

(") A. BITTLESTON.

I have affixed Sir H. Davison's signature to this letter at his request, he having previously read and approved of it.

(Signed) A. B.

No. 18. From R. P. HARRISON, Esq., Accountant General; to the Chief Secretary to Government, Fort Saint George, dated 9th February 1860, No. 434.

As called for in the Order of Government in the Judicial Department, No. 1672, dated 15th December last, I have the honor to submit a Statement, in continuation of that furnished with Memorandum from this office of the 2nd June 1853, showing the further additions made to the Fines Fund, and another showing the sums paid out of it as costs of prosecution. The present state of the Fund is shewn by the accompanying Memorandum:

By receipts from May 1801 to 30th September 1859, to which date	31,279	14	9
accounts have been received from the Sub-Treasurer.....			
To payments from January 1852 to do.....	526	6	0
	30,753	8	9

2. No payments out of the Fund appear in the Sub-Treasurer's Accounts prior to February 1852, and I learn from the Clerk of the Crown, (letter dated 2nd instant,) that no payments were made from the Fund previous to the year 1852.

3. As the transactions of this Fund are not exhibited separately in the books of this Office, but are included with the ordinary Judicial receipt and expenditure, I request to be informed whether it is necessary to exhibit them separately in future. If so, the balance Rupees 30,753-8-9 shewn above at credit of the Fund on the 30th September last, will appear as a credit in the new account.

*Proceedings of the Madras Government, Judicial Department,
for the month of February 1860.*

No. 19.

ORDER THEREON, 23rd February 1860, No. 214.

The sums sanctioned by Government, under dates entered in the margin, being the first and last of the payments made payable by Government, out of the Fines Fund, do not appear in the Statement of Disbursements furnished by the Accountant General. That Statement is, therefore, defective. Ordered that both Statements, received with the Accountant General's letter, be returned to him and that he be requested to revise them in communication with the Clerk of the Crown and the Government Solicitor.

2. Government direct that a special account of the Fund in question be kept, but the balance to be represented at its credit will not, as shown above, be the amount named in the Accountant General's letter.

3. Referring to the "Memorandum of goods and chattels sent from the Crown Office to the General Treasury" forwarded with the Accountant General's Memo., 2nd June 1853, No. 146, paragraph 3, Government authorise the Sub Treasurer to dispose of the articles by public auction and carry the proceeds to the credit of the Fines Fund. The Accountant General will ascertain whether there is any more unclaimed property received from the Crown Office in deposit at the Treasury.

4. A copy of Mr. Secretary Grey's letter, cited above, will be forwarded to the Government Solicitor, and in reference to the enquiry made by the Government of India as to the probable annual cost which would be incurred by the adoption of the arrangement therein alluded to, Mr. Boyson's opinion will be taken.

(Signed) T. PYCROFT,
Chief Secretary.

*Proceedings of the Madras Govt.
Read again letter from the
Govt. of India, dated 21 Novr.
1859 No. 2320 — Recorded in Pro. 15 Decr.
1859 No. 1672.
Read also the following letters —
From the Judges of the
Supreme Court — Enter 14 January 1860.
" the Asst. Genl. — 9 February " No. 434.*

Order — 23 February 1860 — No. 214.

The sums sanctioned by Govt, under dates entered in the margin, being the first and last of the payments made payable by Govt., out of the Fines Fund, do not appear in the Statement of Disbursements furnished by the Asst. Genl. That Statement is, therefore, defective. Ordered that both Statements received with the Asst. Genl's letter, be returned to him and that he be requested to revise them in communication with the Clerk of the Crown & the

Proc 20th Decr 1859 No 27/529

29 Feb/60

Judicial 1860 Department

From

The Account General

To The Chief Secretary

to Government

Ind. Letter to Aug 22nd June

No 22 of 1860

Repts etc 35 of 1860

Dated 19th

February 1860

Rec'd

Feb 27 1860

No 1, 31,

Enclosures 2.

No 227

Forwards the required
statements regarding the
receipts and payments on
account of the Free Fund
and enquires whether any
transactions should be separately
shown in his Books.

17@19

With an Order.