

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1310	Press
		~~Mis.~~
133-134		
Dated	26. 10. 1861	10

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
26th October 1861.*

No. 133. Read the following letter from the Honorable Sir C. H. SCOTLAND, Kt., Chief Justice of the Supreme Court, Madras; to the Honorable the Governor in Council, &c. &c. &c., Fort Saint George, dated 8th October 1861.

I have the honor to acknowledge the receipt of the letter of your Excellency in Council of the 12th September last, forwarding the copy of a Despatch from the Right Honorable the Secretary of State for India, and in reference to the enquiry in the last paragraph, requesting me to confer with my colleague Sir Adam Bittleston and the Judges of the Sudder Adawlut, and to express my opinion as to the number of Judges it would be desirable to appoint in the first instance to the High Court at Madras.

Before the receipt of the letter of your Excellency in Council, I had been favored with a communication from Mr. Strange, the Senior Judge of the Sudder Adawlut, putting me in possession of the deliberate opinion of himself and the other Sudder Judges as to the number of Judges that they considered necessary in the first instance, and of the grounds on which they had formed their opinion, and I have since had the advantage of communicating with my colleague Sir Adam Bittleston, and ascertaining his views and opinion upon the subject, and have myself given to it my most careful consideration.

I have had laid before me the returns of the Criminal and Civil business in the Supreme Court and of the business in the Insolvent Court and in the Sudder Adawlut for some years back and down to the present time, and there can be no doubt that quite independently of the business in the Insolvent Court (which I may mention averages within the last ten years 106 Petitions annually), there will be a necessity when the High Court is in operation for at least two Division Courts sitting at the same time, and in order to provide for this necessity and to secure the satisfactory administration of the law, and to admit of the disposal of the business with as little inconvenience and delay as possible to the public and the suitors, my opinion clearly is, that it will be desirable and necessary to appoint not less than six Judges in the first instance to the High Court of this Presidency.

The letter of your Excellency in Council does not require that I should say more in answer, but feeling the responsibility that will be cast upon me as Chief Justice by the Act for establishing the High Courts in India, when the High Court of this Presidency is established, I must beg leave to add that the opinion I have expressed has been materially influenced by the important consideration that three of the six Judges first appointed will be Barristers possessing competent professional experience and fitting qualifications.

My own observation and experience and the information derived from Sir Adam Bittleston, have after reflection satisfied me that this will be found essential to the satisfactory and successful exercise of the combined original and Appellate Jurisdiction of the new High Court and the carrying into effect the object and intention of the Act.

No. 134. ORDER THEREON, 26th October 1861, No. 1,310.

A copy of this letter will be forwarded to the Secretary of State.

(Signed) J. D. SIM,
Secretary to Government.

21/5/12 ✓
Proc. 12th Sep 1861
Proc. of Court
Judicial 1861 Sept

28th October 1861
1861.
Repts. to the 18th of Oct

From

The Chief Justice
of the Supreme Court.

28th Oct 1861
29th Oct 1861

no. 1631

Expressing as requested
his opinion as to the num-
ber of Judges it would be
desirable to appoint
in the first instance
to the High Court at
Madras -

With an Order

1310 - 26th October 1861
Copy of this letter will be
forwarded to the Secretary of
State.

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