M.R.O. 1—2000—18-10-30.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 318 Press Nos.

71-72.

Dated 9.3.1861

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
9th March 1861.

No. 71. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 22nd February 1861, No. 23.

1. I have the honor to report, with reference to paragraph 1 of the Proceedings of Government dated the 19th instant, that, exclusive of 241 Memoranda, the number of communications, in the shape of letters and proceedings, despatched from this Office during the month of January last, was

To Superior authority	7
To Co-ordinate authorities	15
To Subordinate authorities	164
Circulars	5
Total	191

2. This number, divided among the 23 office days in January, gives rather more than 8 communications per day, for which under the Notification in question a docket would have been required.

3. Under the former practice the 7 letters addressed to Superior authority would alone have been docketed. Deducting these, there remain no less than 184 additional communications in the month, *i. e.*, at the rate of 1,308 in the year, for which dockets must now be provided.

4. Many of these communications, relating to Judicial questions, would present great difficulties to the Clerk to whom I have already alluded; and the result would probably be, that the work of epitomizing their contents, to form the dockets, would have to be performed either by myself or by the Deputy Registrar.

5. The Government will observe that, out of the 191 communications shown in the above table, 164 were dispatched to the lower Courts. I think I have urged, in the 4th and 5th paragraphs of my former letter, and in the 3rd and 4th paragraphs of the present one, arguments against the application of the rule to communications of this kind, such as will weigh with the Government, and satisfy them that I have good grounds for seeking exemption from the rule in these cases.

6. As my former letter has been regarded as raising the question generally, I may be permitted to state that, should the Government see fit to extend this exemption to all the Central Offices, and confine the rule to communications addressed either to a Superior or Co-ordinate authority, I have no doubt that it will be found a very great relief. A rule of this nature must necessarily affect, in a very different manner, the Offices of Subordinate and controlling authorities respectively. The docketing of 20 letters, for example, each in a separate Office, would involve no appreciable trouble, though addressed to the same controlling authority; but considerable time and labor would be consumed in docketing the 20 replies in the single Office of such authority.

7. With reference to the 2nd paragraph of the Proceedings of Government, I have the honor to explain that, the matter being one relating merely to the routine business of the Office, I have not thought it necessary to fortify myself with the opinions of the Judges; but I am confident that Messrs. Phillips and Beauchamp, who have had experience in this Office as Registrars, would fully concur with me in thinking that the docketing of communications dispatched to the lower Courts would be neither practicable nor advantageous.

8. I have only, further, to express my concern that my former letter should have appeared to the Government in the light of a comment upon their Notification. It was written with the feeling that it was my duty, rather to make the Government acquainted with the difficulties which prevented my giving practical effect to their orders, than to allow those orders to remain a dead letter, a course which I think no public officer ought to pursue.

Proceedings of the Madras Government, Judicial Department,
9th March 1861.

No. 72. ORDER THEREON, 9th March 1861, No. 318.

In paragraph 7 of the above letter the Registrar states that as the matter on which he is writing, viz., the docketing of letters is one relating merely to the routine business of his Office, he has not thought it necessary to refer to the Judges for their opinion upon the subject. In his present therefore as in his previous letter Mr. Chamier has addressed Government in his own capacity as Registrar, and has submitted his own opinion and not that of the Judges.

2. The Government resolve to inform Mr. Chamier through the Sudr Court that they cannot separate him and his establishment from the Court of which he is the Ministerial Officer, nor recognize him otherwise than as the organ of the Court, coveying the opinions of the Judges and not his own. He is to write in their name and to be the medium of communicating their views. He will conform to this course for the future.

3. With respect to the question more immediately at issue, it is remarked that the number of communications despatched from the Sudr average only about 8 per diem, and it is difficult to conceive that the docketing of 8 papers daily can add materially to the labor of the Registrar and his Establishment. But, if on the matter being fairly tried, the result should prove to be otherwise, the Government will leave it to the Sudr Court, without further reference to them, to limit the operation of the Notification of 11th January 1861, so as to confine it to communications addressed to Superior and Co-ordinate authorities only.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

Proceedings of the Madras Government.

Read the following letter from the Registrar of the Sudder Court.

(Rec'd enter 22d Feby. 1861. No 23)

Order thereon 9th March 1861, No 318.

In para. 7 of the above letter the Registrar states that as the matter on which he is writing viz. the docketing of letters is one relating merely to the routine business of his office, he has not thought it necessary to refer to the Judges for their opinion upon the subject. In his present therefore as

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Straightened. The docketing of letters which is to facilitate reference to be done by the persons receiving them —

in his previous letter Mr. Chanier has addressed Govt. in his own capacity as Registrar, and has submitted his own opinion and not that of the Judges.—

2. The Govt. resolve to inform Mr. Chanier through the Sudr. Court that they cannot separate him and his Establishment from the Court of which he is the ministerial officer, nor recognize him otherwise than as the organ of the Court, conveying the opinions of the Judges and not his own. He is to write in their name and to be the medium of communicating their views. He will conform to this course for the future.

3. With respect to the question more immediately at-

at issue, it is remarked that the number of communications despatched from the Sudr, average only about 8 per diem, and it is difficult to conceive that the picketing of 8 papers daily, can add materially to the labor of the Registrar and his Establishment. But if on the matter being fairly tried, the result shall prove to be otherwise, the Govt. will leave it to the Sudr Court, without further reference to them, to limit the operation of the Notification of 11th January 1861 so as to confine it to communications addressed to Superior and co-ordinate authorities only.—

J.P.

To the Sudder Court.— Dated 11.3.61.

Judicial
Department 1861.

No. 318.

Proceedings of the Madras

Government

Dated. 9 March 1861.

Passing orders on the letter from the Registrar of the Sudder Court regarding the official letters from this Office being docketted

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