

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1537

Press
Mis.

176-178

Dated 18-9-1862

20/21

Not to be folded or roughly handled

probably

the when

11/11/11
Group

the power of Govt on whom
I rely

of the 80
years—

Secretariat,
24.2.76.

My dear Mr. Cunningham,

The Charter of the old
Supreme Court required the Govt
to appoint by its Warrant to be filed
of record a sufficient person to repre-
sent the East India Company. After
Acts 53 Geo. III, ch 155, sec 81 vested
the power of appointing Govt solicitors
at the several Presidencies in the Secre-
tary of State. Notwithstanding this, the
Govt continued to give their solicitors
Warrants of Attorney, which such so-
licitors filed in Court. This continued
down to ^{the days of} Miller and Bergen to whom

mitted by

Justice.

Warrants were issued -
to Miller 20 Sept/62; to
Boyson 2 Feb/63 - to act as Attorney
and Pleader - the term Pleader being
just in, to meet the provision in sect
67 of the Civil Pro: Code, which require
service of summonses in suits against
(on the original side) on the Joint Pleader
The practice of issuing Warrants of At-
torney appeared to drop after this; for
it does not seem that either Brockman
or Richardson, gave Warrants when they
came to be appointed Joint Solicitors.

The Honble the Chief Secretary may
to know whether you think that the prac-
tice of granting Warrants of Attorney to

the Joint Solicitors (to be held officers
in the High Court) should be reversed
you will be very much obliged to
you if you will kindly drop me a
line as your terms for the informa-
tion of the Honble Mr. Cardwell.

Believe me,

Yours truly,

W. J. Cardwell

I enclose for your ready reference
a list of Warrants in Miller's Warrants.

The Honble R. S. Cunningham.

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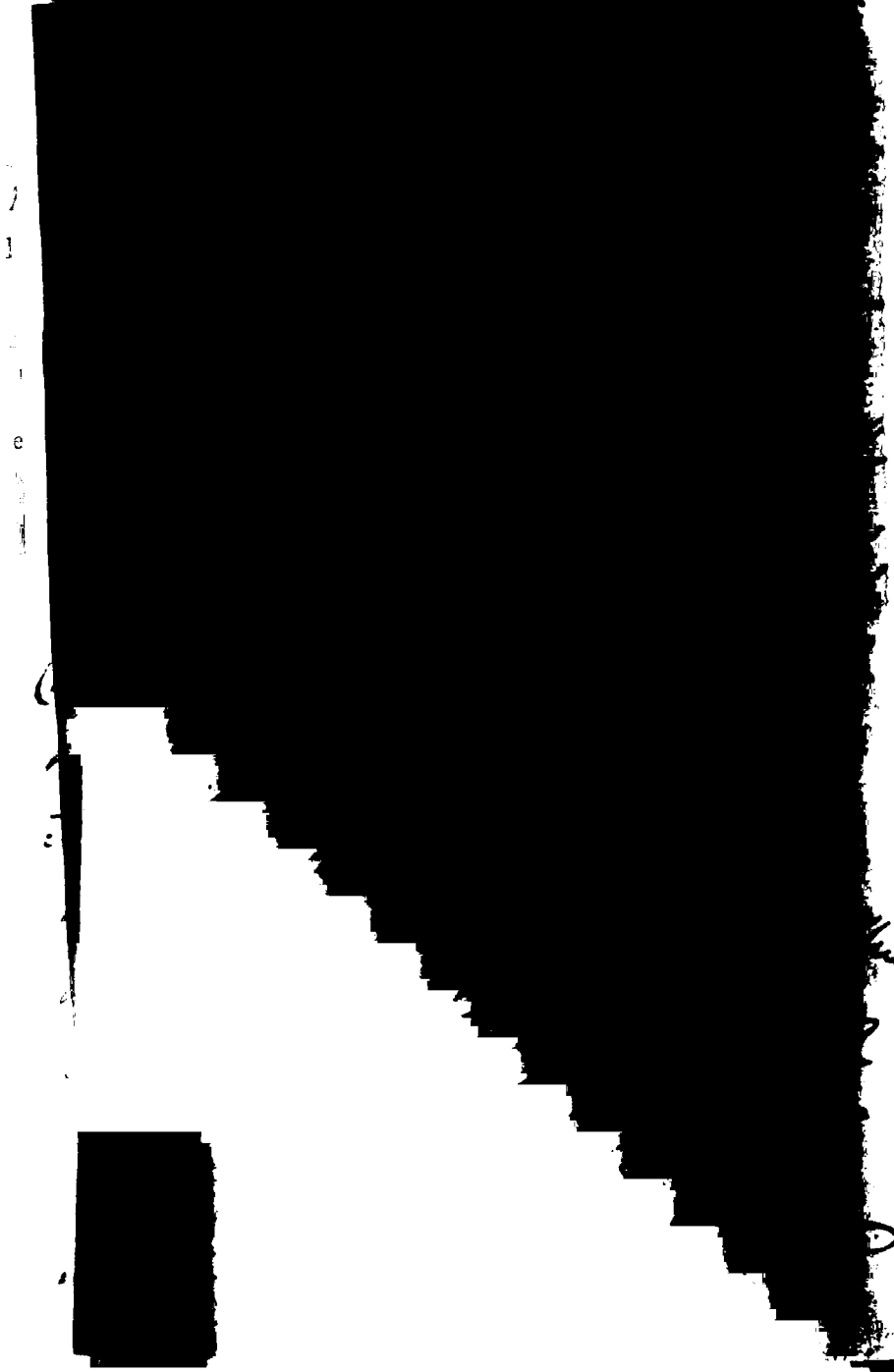
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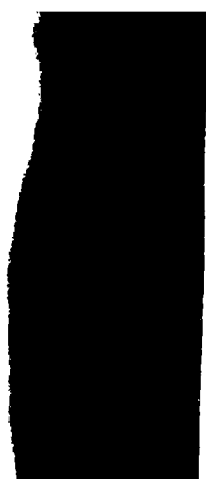
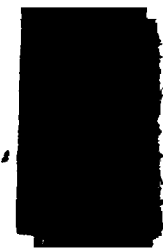


Exd. F. Cartledge.

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I hope this will be considered as satisfactory
and conclusive

Franc. Lewis

Wm. Lloyd Garrison

P.S. They have both read this

Ken

11

Post Home

Received

Re-

a Torrey case.

Reader & Attorney

March 1891

Has been then

word leader

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Ph: Hale Connors

for future reference

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26

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PROCEEDINGS of the MADRAS GOVERNMENT.

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office.
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another
2 are to be
from the
Read also the following letters
from the
of Govt of Madras - Here enter 2 Sep 1862
Locate Madras - 3 do*

Order. 10th Sept 1862

The above papers have
reference to two questions connect-
ed with the recent establish-
ment of the High Court of Ju-
diciary at Madras. The
introduction of the Civil Code
of Procedure into the High Court
exercising its ordinary Civil
Jurisdiction. The questions re-
late to the officers of Govt on whom
Group

process is to be set
where Government is a party
submitted before the High Court
in connection with the Civil Service

the

the

the

over

do

to discuss

various cases

connected with them

the

that the following arrangements

be carried out.

should be sent to the

the C. & P. and the Acting

Govt. Solicitor and have the

approval of the Advocate

General.

As in the High Court exerci-

-sing its own civil jurisdiction

relation, the present Acting

Govt. Solicitor will have

similar to that filed by

Sol

for all

Solicitor under the
Comptroller and the
Section 11. Act of 1911

be appointed
Govt. to appear & act for
the side of the
mentioned.

4. In the 11,

of the High Court

Govt. Solicitor

to act in

suits to

Govt. maybe a pro

curator

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check it is expected

Strength

Adviser to

filed in the Appellate

5. Mr. Dalrymple

Printed Government Co.

to appear

of the High Court -

6.

proceeding paras 10

Acting Govt. Solicitor

or Acting

Acting Govt. Solicitor

Appellate side
will draw 15th

will be passed
E. P. Mason
it up the

~~no further business~~
~~_____~~
~~_____~~
~~_____~~

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~~it is obvious,~~
incurred
~~incurred~~

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severalth for mes-att

the expiration of 1st

the whole question of the Govt.

Law officers of the High Court

on both its sides with

to be further co.

was Judge
of Court.

ad -

Stilton -

, master

enrol -

[Signature]

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Proceedings of
of 28 August 41
Nos 1395 & 1435.

Read also the following

from the Advocate General. 14.6. 2^d Sept 1862.
" 3^d "

Order thereon 18th Sept 1862 No 1534

The above papers have
reference to two questions con-
nected with the recent ex-
ecution of the High Court of
Judicature at Madras, and
to the introduction of the Civil
Code of Procedure into the
High Court exercising its
ordinary Civil jurisdiction. —
These questions relate to the
Officer of Court on whom
process is to be served in cases
where Govt is a party, indi-
cated before the High Court
exercising its original Civil
jurisdiction — and secondly,
to the arrangements to be made
temporarily for the performance
of

W. de

186 . Department.

No.

PROCEEDINGS OF GOVERNMENT.

Dated

of the duties of Govt Pleader
in the Appellate side of
the High Court

2. The first of the above
questions appears to present
difficulty. In

Court exercising its original
Civil jurisdiction, the present
Acting Govt Solicitor will by
warrant (similar to that
filed by the Solicitor to the
Honorable Company under
the 26 Section of the old Charter)
be appointed Attorney and
Pleader for Govt to appear
at for the

of the Court above mentioned
Mr. Miller will submit the
form of warrant that
should be issued, and it will
be signed by the Chief Secretary
on behalf of the Govt. It
is observed that by this ar-
rangement no additional
labor will be thrown upon
the Govt Solicitor. He will
merely perform the same
duties that he has hitherto
discharged altho' under a
different official designation.

In

3. In regard to the second
question before them, or that
of the provision to be made
for the performance of the
duties of Govt Pleader on the
Appellate side of the High
Court, the Govt have ear-
considered the several sugges-
tions offered by the Advocate
General in para 2 of his
letter of the 3^d instant; their
Chief Secretary under
instructions has been in
communication with
upon the subject, and both
those Officers have taken
great pains to devise some
arrangement which, while
it satisfied the requirements
of the public service, would
not be unacceptable to
Mr. Dale. The Govt. however
regret that on mature deli-
beration they cannot app-
any of the modes proposed
involving, as all of them do,
a partition of the duties of
Govt Pleader between two
Officers. The Govt. business
connected with Appeal suits
in

the late Sudder Court has always hitherto been conducted by a single Law Officer designated the Govt. Pleader, and there seems no sufficient reason for now dividing it as a temporary expedient to meet a special object. Such a change it is to be feared might not work smoothly or satisfactorily and might be productive of inconvenience and embarrassment to Govt.

It seems to Govt. Mem., until at least some general arrangement be made in regard to the position and duties of all the Law Officers of Govt. in the new High Court — they should have, as before, a single Officer competent to conduct their business in Appeal Suits, it being of course always open to them to call in additional assistance in important cases where such aid seemed desirable. Under this view they see no alternative

*
 From Sudder Udulat. 3^d Decr 1852.
 Ex. Mins. Cons. — 1st Feb'y 1853.
 From Sudder Udulat. — 22^d Aug^r 1856.
 Ex. Mins. Cons. — 27th Aug^r 1856.
 From Sudder Udulat. — 9th Jan'y 1857.
 Ex. Mins. Cons. — 12th Jan'y 1857.
 From Sudder Udulat. — 22^d April 1857.
 Ex. Mins. Cons. — 28th April 1857.

alternative but to call on Mr. Dale to qualify himself for discharge of all the functions of Govt. Pleader by enrolling himself as a Vakul in the High Court, to resign his office. Should Mr. Dale adopt the latter course the Judges of the High Court in notifying his resignation under Cth Sec 37, Reg. XV. 1816, will under the same clause and as on former occasions nominate for the approval of Govt. a proper person, being one of the authorized Vakuls of the Court, to succeed to the vacant office.

The Govt. have a full sense of the value of the services rendered to them by Mr. Dale. During the time-^{of} ^{his} ^{absence} ^{from} ^{the} ^{High} ^{Court} ^{the} ^{business} ^{of} ^{the} ^{Court} ^{has} ^{been} ^{affected} ⁱⁿ ^{the} ^{most} ^{serious} ^{manner} ^{and} ^{it} ^{is} ^{regretted} ^{that} ^{the} ^{benefit} ^{of} ^{these} ^{services} ^{will} ^{now} ^{be} ^{lost} ^{to} ^{the} ^{Government} ^{and} ^{the} ^{public} ^{and} ^{it} ^{is} ^{regretted} ^{that} ^{the} ^{benefit} ^{of} ^{these} ^{services} ^{will} ^{now} ^{be} ^{lost} ^{to} ^{the} ^{Government} ^{and} ^{the} ^{public} ^{and} ^{it} ^{is} ^{regretted} ^{that} ^{the} ^{benefit} ^{of} ^{these} ^{services} ^{will} ^{now} ^{be} ^{lost} ^{to} ^{the} ^{Government} ^{and} ^{the} ^{public} ^{and} ^{it} ^{is} ^{regretted} ^{that} ^{the} ^{benefit} ^{of} ^{these} ^{services} ^{will} ^{now} ^{be} ^{lost} ^{to} ^{the} ^{Government} ^{and} ^{the} ^{public} ^{and} ^{it} ^{is} ^{regretted} ^{that} ^{the} ^{benefit} ^{of} ^{these} ^{services} ^{will} ^{now} ^{be} ^{lost} ^{to} ^{the} ^{Government} ^{and} ^{the} 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will only be appointed acting,
and the arrangement will
be open to further considera-
tion at the expiration of the
period of four months, for
which the present esta-
blishments of the H. Court on
both its sides have been
continued, and when the
Govt have before them the
revised establishment of the
Court to be submitted by
the Chief Justice.

The Chief Justice & Judges
H. High Court.

Govt Pleader - Mr Dale

Acting Govt Solicitor

Civil Commissioner.

dup^d 17

" Acting Accountant General.

" Assistant General.

" Board of Revenue - dup^d 25th

1862. Department.

No. 1534.

PROCEEDINGS OF GOVERNMENT,

Dated 18th 11. 1862.

Feb 1944

Mr. H. Post Office
 printed Attorney and Pleader
 in the City of New York
 to my 22 April 1800
 as the Court has been
 and then to be
 as a whole, the
 in the City of New York
 and on the 22nd of April

176(2)178

516 Sy.