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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1206	Press
259-260	~~His~~
Dated 28.7.1883	10

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
28th July 1863.

No. 259. Read the following letter from E. C. BAYLEY, Esq., Secretary to the Government of India; to the Honorable Sir BARNES PEACOCK, Kt., Chief Justice of the High Court of Judicature at Fort William in Bengal, dated Fort William, the 7th July 1863, No. 4,324.

Home Department.
Judicial.

I am directed to transmit, for the information of the High Court and for promulgation among its Ministerial Officers, the accompanying copy of a Despatch* from the Right Honorable the Secretary of State for India, the effect of which is to supersede the Resolution forwarded with letter No. 1,048, dated the 3rd February last, on the subject of the control allowable to Government over the proceedings of the Court in respect of its Ministerial Officers.

Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Right Honorable the Governor General of India in Council, dated India Office, London, 16th May 1863, No. 38.

Judicial.

Your Despatch, dated 16th February (No. 8) 1863, transmitting correspondence relative to the control which the Government should exercise over the proceedings of the High Court, in respect to its Ministerial Officers, has been considered by me in Council.

2. In my Despatch of the 14th May (No. 24) 1862, I had pointed out to you the expediency of considering whether a rule should not be framed for giving an appeal to Government from Officers of the High Court who might feel themselves aggrieved by the orders of the Judges. On full consideration I think that the Ministerial Officers of the High Court should be placed in the same position as the Officers of the late Supreme Court, and as the Officers of the Superior Courts of law in this country.

3. If an appeal were open to your Government I feel satisfied that, from the confidence you would naturally repose in that high tribunal, it would, in fact, be merely nominal, in which case the necessity of such a provision is not apparent; but if the appeal were to be of a substantial character, and a careful investigation of each case were to be made, differences of opinion might probably arise, and thus create collisions between the Government and the highest Court of Judicature in India which are very much to be deprecated.

No. 4,325.

Copy of this letter, and of the Despatch referred to, forwarded to the Governments of Madras and Bombay with reference to Endorsements from this office, No. 1,013, dated the 3rd February 1863.

(Signed) E. C. BAYLEY.
Secretary to the Government of India.

No. 260. ORDER THEREON, 28th July 1863, No. 1,206.

Communicated to the Honorable the Judges of the High Court.

2. The Order of the 17th March last, No. 413, is cancelled.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Handwritten notes at top right.

Full 1863 Report

21.2.20

22-1-23

1706 No. 111

From the Secretary to the Court of Session. Just. 1864.

No 15321.

1874 to 1875 July 1874. Rev. H. M. MacCormack

No 15322

207 v 260

Forwarded copy of letter addressed to the Chief Justice of the High Court of Judicature at Fort William by the Secretary from the Secretary of State the same referred to one the subject of the control allowable to exert over the proceedings of the Court in respect of its Ministerial Officers. With an order

No 1206 28th July 1863

Communicated to the Honorable the Judges of the High Court. The Order of the 17th March last No 413 is cancelled.

The Honble the Judges of the High Court. } Supp 30