M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1504 Press ~~His.~~

145-146

Dated 17.9.1863 ~~H~~ .

3/4

Not to be folded or roughly handled

No. 145. Read the following letter from the Honorable JOHN BRUCE NORTON, Advocate General; to the Honorable ALEXANDER J. ARBUTHNOT, Chief Secretary to Government, dated Yercaud, 12th September 1863.

Although I personally explained to you the reasons which led me to act on behalf of the Plaintiff in the Ramnad case, I think it desirable to place those reasons on record, with a view not only to the satisfaction of His Excellency the Governor in Council, but also to prevent erroneous impressions which might be created at home in the absence of full information.

2. I did not base my action on any fancied distinction between the duties of Advocate General and Government Pleader. It has always been my opinion even before the amalgamation of the Courts, and much more so since, that the Advocate General ought not to appear in any case in which the Government was a party, except for the Government; though it certainly appears to me that the amalgamation renders expedient a reconsideration of the positions and functions of the several Law Officers of Government.

3. I have in fact declined to act or advise in more than one case in which it appeared to me that the interests of Government might come in question, since I had had the honor of acting as Advocate General. But in the Ramnad case, I had been retained prior to my leaving India in 1859, and received a heavy fee. On the 26th March last the case was partly heard in the High Court on Appeal. I was not then connected with the Government, and appeared on behalf of my client. The case would have been finally disposed of on that day, but that the Court thought that there was one point not sufficiently or at all established in point of fact; and to establish this, prior to the further hearing of the case they directed the issue for the trial of which my client required my services.

4. My course and duty under these circumstances appeared to me so clear as to leave me no alternative, notwithstanding I had in the interim been honored with the confidence of the Government and had become its Advocate General.

5. A case occurs to me precisely in point, though not so strong as the present case, for in that the cause had not been partly heard; and all that Counsel had done was to settle the case and advise generally.

6. I allude to the Tanjore case before the Privy Council. Then the present Lord Chancellor, Honorable Sir Richard Bethel, who was Counsel for Her Highness Kamachi Bhoyee had in the interim between the settlement of the Respondent's case and the hearing had been appointed, Her Majesty's Attorney General, notwithstanding which he felt it his duty to appear, and did appear on behalf of his earlier client.

No. 146. ORDER THEREON, 17th September 1863, No. 1,504.

The Governor in Council considers the reasons assigned by the Acting Advocate General for having acted on behalf of the Plaintiff in the suits referred to, to be satisfactory.

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

Exd. T. McMootry.

the lowest Rough Road there every one point out especially as it all established in point of fact; and to establish this, first I the petitioner bearing of this case they directed me upon the third point which my Counsel argued my cause.

4. They were and duty under these circumstances appeared to me so clear as I ever me no alternative, but hitherto steadily stood in the interest I ever honoured with the confidence of this port and had to conduct its Coloured Journal.

5. A case occurs to me frequently in point, Hough not so strong as the present one, for in that the cause had not been fully heard, and all that Counsel had done was to settle the Case and adjourn generally.

6. Settled & the Jamaica case upon the Privy Council. Since the present Lord Chancellor, Lord Sir Richard Bethell was Counsel for the Jamaica Government in the interim between

Pro Letr
Judicial 1863 Sept 4

From The Advocate Genl
Bradbar

Dated 12th Sept 1863.
Rec'd 14th Sept 1863.

No 2025

Praying his opinion
for acting in behalf
of the Plaintiff in
the Remand Case —

With an order

18-7-11
22-7-12
19/8/63.

This application seems to me to be
satisfactory.
15/9/63

145/146

No 1564 — 17 September 1863.
The Governor in Council considers the reasons assigned by the Acting Advocate General for having acted on behalf of the Plaintiff in the suits referred to, to be satisfactory.

To the Advocate General dup. 19