M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 641 Press Mis.

212-213

Dated 25-4- 1863 19—.

89

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 25th April 1863.

No. 212. Read the following letter from H. D. COOK, Esq., Civil and Sessions Judge of Calicut; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Calicut, 20th April 1863, No. 184.

1. With reference to the Order of Government, dated 14th April 1863, No. 555, Judicial Department, and which only reached me on the morning of Saturday last, I have the honor to state that I made all arrangements for the closing of my Court and the Courts subordinate to it based on the Proceedings of the High Court, dated 26th February 1863, paragraph 9. Believing therefore that I would be entitled to the privilege of leaving my station, I fixed upon the time most convenient for the people and adjourned from the 20th instant.

2. The Proceedings of Government now received over-rule the construction of the High Court and adopt the construction of the Civil Paymaster to the effect that the recess and privilege leave being on the same footing, an interval of 11 months must elapse before an Officer can take advantage of either.

3. In my case I returned from privilege leave on the 1st July last, consequently at the last moment I am debarred from leaving my station. It is not my part to give any opinion upon the order now received, my duty being strictly to obey it; but I would respectfully urge that I think it is hard to make it retrospective in its action and thus disappoint Officers who in good faith and for the public good made their arrangements on the Proceedings of the High Court.

4. Under these circumstances I have the honor to request you to submit this letter to His Excellency the Governor in Council for his favorable consideration, and with the hope that Government will be pleased to permit me to proceed to the Hills during the adjournment without deduction of pay, and on the understanding that the order of Government alluded to will be in future the guide and rule in such matters.

No. 213. ORDER THEREON, 25th April 1863, No. 641.

His Excellency the Governor in Council cannot comply with Mr. Cook's application for permission to absent himself from his station during the present adjournment, Mr. Cook having returned from privilege leave only on the 1st July last.

2. The order of the 14th instant, to which Mr. Cook refers, is based upon the instructions received from the Government of India, and the Governor in Council does not consider himself at liberty to modify it.

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

Exd. T. McMootry.

Calicut 20th April 1863.

1st 184/1863.

From,

H. D. Cook Esquire,
Civil & Sessions judge of Calicut

To,

A. J. Arbuthnot Esquire,
Chief Secretary to Government
Judicial Department
Fort St. George

Sir,

With reference to the order of Government dated 14th April 1863, No 555 Judicial Department, and which only reached me on the morning of Saturday last, I have the honor to state that I made all arrangements for the closing of my Court and the Courts subordinate to it based on the Proceedings of the High Court dated 26th February 1863 para 9. Believing therefore that I would be entitled to the privilege of leaving my Station I fixed upon the time most convenient for the people and adjourned from the 20th Instant.

I don't see what else I could have done with it - Mr C would have closed his Court about that time any how. JPP

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3. + In my case I returned from Privilege leave on the 1st July last, consequently at the last moment I am debarred from leaving my station. It is not my part

or from absence during Recess?

hart to give an opinion upon the order now received my duty being clear to obey it but I would respectfully urge that it is hard to make it retrospective in its action and thus disappoint Officers who have made their arrangements on good faith and for the public good made Proceedings of the High Court.

4. Under these circumstances I have the honor to request you to submit this Lett. to His Excellency the Governor in Council for his favourable consideration and with the hope that Government will be pleased to permit me to proceed to Hills during the leave

[illegible] days

[illegible]

It seems to me that if the adjournment were to be used for preparing cases it had better be reduced to the original 6 weeks I do not see how we can grant the Counsels request unless we do this same by every other Judge in which would hardly be right. WD

The Clerk Proceedings

Chief Secretary to Govt. Public Department Fort William

Dated — 20th Novr 1865. Received 25th Do

No 641

Sir

I have the honor to acknowledge the receipt of your letter No 10 dated the 14th instant forwarding a copy of a letter from the Secretary to the Government of India in the Home Department intimating that the Governor General in Council has been pleased to grant to Mr. Justice Norman 3 months leave of absence on Medical certificate from the 15th instant

I have the honor to be Sir Your most obedient humble Servant

H. Cowie
Civil Secretary to Govt.

Fort William 103.

[illegible]

Judicial Department.

No 872

From H. Cook Esq
Chief Magistrate Judge of Lochaber
Dated 20th April 1863

For Order.

I do not join in the certificate which the Learned man from which Mr Cook returned on the 1 July last.

If there was any thing like probability of obtaining the attendance of the Learned man until 1 June next.

But if he was merely during the last year recess, and he has not been away from his station since his return but at the end of the recess or then I conceive that he might do as for the adjournment.

Mr Cook during the recess visited

on month 2 at the time that of the
proceedings.

– yes – but are the adjournments to be for 6 or 8 weeks? This requires attention as noticed by the President.

1836. Department.

No. 6

PROCEEDINGS OF GOVERN

Dated 25 [illegible] 13

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