

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	110	Press Mis.-
169-170		
169-170 Dated	26-1-	19-1864

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JUDICIAL DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from the Honorable Sir COLLEY HARMAN SCOTLAND, Knight, Chief Justice; to the Honorable EDWARD MALTBY, Governor in Council, Fort Saint George, dated Madras, 15th January 1864.

I feel it my duty to ask the attention of your Honor in Council to the mode of communicating with the Judges of the High Court, which the Government has adopted, and which, objectionable from the first, has on a late occasion appeared wanting (unintentionally I am sure) in the respect and consideration to which Her Majesty's Judges are entitled.

2. Upon the establishment of the High Court, I had reason to understand that the Judges, when directly communicated with, would be addressed as the Judges of the late Supreme Court had been; except that the correspondence on the part of the Government would be from the Chief Secretary, and not as before by letter signed by each member of the Government. Instead of this, however, the objectionable course has been taken of communicating with the Judges in the same manner as the Departments of the Executive Government, by transmission of a resolution in the shape of a docket and order, with an address to the body of Judges, and generally to others also. I ask that an alteration in this respect may be made.

3. I cannot doubt your Honor in Council will, upon consideration, see that when the Government desire the views and opinions of the Judges, it is no more than the respect due to their position and functions demands, that they should be directly addressed by letter on the part of the Government. I may remark also that a communication by letter is the convenient and proper way of eliciting an answer from the Judges, dealing specifically and satisfactorily with the matters upon which their opinions may be invited.

4. Besides communications of this nature there are, I am aware, many communications from the Government forwarded simply for the purpose of affording information to the Court; and others asking for returns and statements to be made by the ministerial Officers of the Court with the sanction of the Judges. To such the observations I have made do not apply. In those instances a communication, either by letter from the Chief Secretary's office, or by the transmission of a Government order as at present, would properly be addressed to one or other of the Registrars of the Court.

To the Honorable Sir C. H. SCOTLAND, Knight, Chief Justice of the High Court of Judicature at Madras, dated Fort Saint George, 26th January 1864, No. 110.

I am directed by His Excellency the Governor in Council to acknowledge the receipt of your letter of the 15th instant, requesting that a change may be made in the mode of communication with the Judges of the High Court.

2. The subject of your present letter has been already adverted to in my reply to the letter addressed by the Registrar of the High Court, under date the 14th ultimo, in which, by direction of His Excellency the Governor in Council, I have drawn your attention to the correspondence which took place in August 1862, regarding the mode of communication between the Government and the High Court. In that correspondence the mode of communication which you now desire to be altered, was one of the two modes of communication agreed upon. Since that time, the practice has been that communications addressed to the High Court on matters concerning the collective Court have been written in the form of Proceedings of Government; while communications concerning the special functions of the Chief Justice have, as you are aware, been invariably made in the form of letters.

3. The Governor in Council, however, has no objection to the adoption of the change which you now propose, viz., that all communications addressed to the Court should be by letter, or that when it is necessary to furnish the Chief Justice or the Judges with copies of the Proceedings of Government, which concern other functionaries as well as the High Court, such document shall be enclosed in a covering letter. All letters to the Court will, in future, be addressed to the Chief Justice.

A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Tulloch.

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No. 110. Prof Department

The Honorable Sir C. H. Scottland, Knight
Chief Justice of the High Court
of Judicature at Madras

Honorable Sir,

I am directed by His
Excellency the Governor in
Council to acknowledge the
receipt of your letter of
the 15th of January last,
requesting that a change
may be made in the mode
of communication with
the Judges of the High Court.

2. The subject of your
present letter has been
already adverted to in my
reply to the letter addressed
by the Registrar of the
High Court under date
the 14th ultimo, in which

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by direction of His Excellency
the Governor in Council
I have drawn your attention
to the correspondence
which took place in
August 1862, regarding
the mode of ^{communication} ~~correspondence~~
between the Government
and the High Court, ~~and~~
^{in that correspondence} ~~maintain~~ the mode of
communication which you
now desire to be altered, was
one of the two modes of
communication agreed upon.
Since that time, the practice
has been that communica-
tions addressed to the
High Court on matters
concerning the Collective
Court have been written
in the form of Proceedings
of Government; while
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Chief

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3. The Governor in Council
however, has no objection
to the adoption of the change
which you now propose,
viz. that all communications
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or the Judges with copies
of the Proceedings of Court
which concern other func-
tionaries as well as the
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be addressed to the Chief
Justice. —

Fort St. George }
26 January 1864 }

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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	111	Press
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171-173		
Dated	27.1.1864.	~~49~~

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