

MADRAS RECORD OFFICE

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 372

Press
Mis.

B Act. No 183-185

Dated 15-3-1964

4/5

Not to be folded or roughly handled

2/5/64

*Proceedings of the Madras Government, Judicial Department,
15th March 1864.*

Read the following papers :—

No. 183. From the Honorable H. FRERE, Puisne Judge of the High Court of Judicature, Madras; to the Chief Secretary to Government, &c., &c., &c., dated Madras, 30th January 1864.

I have the honor to request that you will do me the favor to lay before His Excellency the Governor in Council my application to be allowed three months' leave of absence from my duty on private affairs, under Section 12 of the Civil Absentee rules, the leave to commence from the 12th April next.

2. I have taken no privilege leave since the year 1854, nor was I absent from Madras during the last vacation of the High Court in the year 1863.

Referred to the Civil Paymaster for report.

(Signed) W. H. KERR,

Deputy Secretary to Government.

12th February 1864.

No. 6.

Eligible to three months' privilege leave under Section 12 of the Rules.

(Signed) R. W. LODWICK,

Civil Paymaster.

12th February 1864.

To the Chief Secretary to Government, Fort Saint George.

No. 184. From the Honorable Sir C. H. SCOTLAND, Knight, Chief Justice of the High Court of Judicature at Madras, to His Excellency Sir W. T. DENISON, K. C. B., Governor in Council, Fort Saint George, dated Madras, 8th March 1864.

I have the honor to address your Excellency in Council in answer to the letter of the Chief Secretary, dated the 12th February last, asking the attention of my Honorable colleagues and myself to the subject of the annual adjournment of the High Court and the Courts in the Provinces; and expressing the desire of your Excellency in Council to be informed of the arrangement decided upon after consideration. It appears from the letter that your Excellency in Council thinks that the vacation arrangements of last year must be inconvenient as regards the time of year, and must impede the administration of justice in the lower Courts; and that it is desirable to revert to the former arrangement regulating the adjournment of the late Sudder Court.

2. In deference to the views expressed in that letter, I have, with my Honorable colleagues, re-considered the subject of the adjournment of the High Court and the Courts in the Provinces, and the arrangement in which we concur is that the adjournment of the High Court should take place at the time at which it occurred in last year, and that all the Courts in the Provinces should adjourn between the 1st and 15th of May. This arrangement, I may observe, will not be attended with any inconvenience or delay in the administration of justice, which would not be occasioned by an adjournment at any other period of the year. It is necessary that during the vacation (whenever it takes place) one Judge should remain in Madras, and that for a part of it two Judges should be present. No provision was made in this respect by the late Sudder Court. But the arrangements now made provide for the exercise, in the vacation, of the Court's jurisdiction, as a Court of reference and revision in all capital cases and in matters of an urgent nature.

3. Referring to the remarks made as to the heat in the month of May, I would observe that my Honorable colleagues do not think that the inconvenience felt at that time is such as to make an adjournment in May absolutely preferable. The discomfort of the heat in the three following months is little less, and the month of September is a very trying month; and my colleagues concur with me in the opinion that a vacation commencing in August and ending with the hot weather

*pared to grant you 3
months*

Proceedings of the Madras Government, Judicial Department,
15th March 1864.

will better enable the Judges and others concerned in the administration of justice to recruit and preserve their health and energies, than an adjournment in the middle of the hot season.

4. In regard to the 3rd paragraph of the Chief Secretary's letter, I have to add that leave of absence may be granted to Mr. Justice Frere for one month, in addition to the period of adjournment, without occasioning inconvenience in the despatch of business.

No. 185. To the Honorable H. FRERE, Puisne Judge of the High Court of Judicature, Madras, dated Fort Saint George, 15th March 1864, No. 372.

In acknowledging the receipt of your letter of the 30th January last, applying for three months' leave of absence from the 12th April, I am directed by His Excellency the Governor in Council to inform you that as the Honorable the Judges of the High Court have decided on postponing the adjournment of the Court to the month of August, His Excellency the Governor in Council is unable to comply with your application; but that he will be prepared to grant you three months' privilege leave either in July or August next, provided that the period for which the Court is to be adjourned shall be included in the term of your leave.

2. I am to request that you will submit a fresh application in June or July.

A. J. ARBUTHNOT,
Chief Secretary.

Exd. J. Tulloch,

Judicial Deptt

No 372.

To
The Honorable H. Frere.

Puisne Judge of the High Court
of Judicature, Madras.

Honorable Sir,

In acknowledging the receipt of your letter of the 30th January last, applying for three months leave of absence from the 12th April, I am directed by His Excellency the Governor in Council to inform you that as the Honorable the Judges of the High Court have decided on postponing the adjournment of the Court to the month of August, His Excellency the Governor in Council is unable to comply with your application; but that he will be prepared to grant you 3 months

months privilege leave either
in July or August next,
provided that the period
for which the Court is to
be adjourned shall be
included in the term of
your leave.

2. I am to request that
you will submit a fresh
application in June or
July.

Fort St. George }
15 March 1864 }

14-7-4

371

Richard M. Deparlt

to 372

to The Honble W. W. Allen,

Justice Judge of the

Supreme Court of the

State of

date 15th March 1874.

Tril 1874

1830 1835