

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>P49</i>	Press
<i>34-35</i>		<i>Mis.</i>
Dated	<i>7. 7. 1860</i>	<i>H-</i>

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
7th July 1860.*

No. 34. Read the following Memorandum:—

MEMORANDUM.

With reference to the Notification of the 1st June of the closing from the 15th idem of the Sub Court at Chittoor, the Civil Auditor has the honor to enquire if Mr. J. H. Goldie, the Sub Judge, is to be considered as without a permanent appointment from the 15th June.

An early reply will oblige.

(Signed) E. F. HARRISON,
Civil Auditor.

FORT SAINT GEORGE,
CIVIL AUDIT OFFICE,
5th July 1860.

To the Chief Secretary to Government.

No. 35 **ORDER THEREON, 7th July 1860, No. 849.**

The Civil Auditor will be informed that Mr. Goldie is considered and will draw pay as Subordinate Judge of Chittoor, although a Principal Sudder Amin is employed there as a temporary arrangement.

2. The same rule will apply to the Sub Judge of Bellary, whose Court has also been temporarily closed.

(Signed) T. PYCROFT,
Chief Secretary.

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No. 819 - 7 July 1860 -

The Civil Auditor will be informed that Mr. Goldie is considered & will draw pay as Subordinate Judge of Chittoor, altho' a Principal Sudder Amin is employed there as a temporary arrangement.

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W. W. 2. The same rule will apply to the Sub Judge of Bellary, whose Court has also been temporarily closed.

J. W.

The Civil Auditor.

" Sub Judge of Chittoor }
" Sub Judge of Bellary } Deputy

*Proceedings of the Madras Government, Judicial Department,
14th June 1865.*

No. 99. Read the following letter from A. P. HOWELL, Esq., Under Secretary to the Government of India, to the Secretary to the Government of Fort Saint George; dated Simla, the 23rd May 1865, No. 694.

Home Department.
Judicial.

From Government of Bombay, No. 3720, dated 19th December 1864, and enclosure.
To do. No. 746, dated 23rd January 1865.
To Secretary of State, No. 9, dated 30th January 1865.
From do. No. 20 dated 15th February 1865.
From do. " 19, " "

I am directed to forward, for information, and for communication to the Judges of the High Court at Madras, a copy of the correspondence noted on the margin.

From H. BIRDWOOD, Esq., Under Secretary to the Government of Bombay, to the Secretary to the Government of India, Home Department, No. 3720, dated the 9th December 1864.

I am directed by the Honorable the Governor in Council to forward to you the accompanying copy of a letter from Sir Joseph Arnould, a Puisne Judge of Her Majesty's High Court of Judicature, dated 19th November, in which he inquires whether, if he were to avail himself of the *short leave of absence on private affairs* allowed to the Judges of the High Court since the publication of the revised Rules forwarded with the Despatch from Her Majesty's Secretary of State, No. 15 of 17th February 1863, he would be considered to have abandoned his right to the salary and pensions attaching to his former position of Judge of the Supreme Court.

2. The Rule referred to is No. 9 of the Rules of the 17th February 1863. By a subsequent interpretation, the short leave in question was defined to mean leave granted under Sections 12 and 13 of the Rules on leave applicable to Covenanted Civil Servants.

3. The question, therefore, is whether a High Court Judge, wishing to retain the advantages of his former position in the Supreme Court, can take privilege leave of absence or not.

4. When the Leave Rules for the newly constituted High Court were first promulgated, it was stated by Her Majesty's Secretary of State that they were not to apply to the Judges transferred from the Supreme Court, unless they assented to the periods of service for pension laid down for the members of the new Court.

5. Afterwards, when the Rules were revised, a concession was made in favor of the Supreme Court Judges, to the extent that they might benefit by the Rules relating to leave on Medical Certificate.

6. The benefit of the privilege leave Rule does not appear to have been expressly extended to the Judges of the late Supreme Court as yet.

7. But on this point, I am desired to state, this Government would wish to be favored with the decision of His Excellency the Right Honorable the Governor General in Council.

From Sir J. ARNOULD, Knight, Puisne Judge of Her Majesty's High Court of Judicature at Bombay, to the Acting Secretary to the Government of Bombay; dated the 19th November 1864.

With reference to the several documents noted in the margin, I have the honor to request

(a.)—Letter of Sir Charles Wood, to the Governor of Bombay in Council, 9th July 1862. (Judicial No. 55,) paragraphs 3 and 4.

(b.)—Extract from Despatch of Sir Charles Wood to Government of India, No. 15, of 17th February 1863, (communicated to Registrar of High Court by Government of Bombay in letter of 10th April 1863, No. 735 of 1863.

(c.)—Government Notification in Bombay Gazette (Judicial Department) of 10th April 1863.

(d.)—Gazette of India, (May or June 1864,) Home Department, No. 676 of 1864, in continuation of Notification, No. 2119, of 30th March 1863.

(e.)—Act 24 and 25 Victoria, Chapter 104 (High Court's Act).

that you will be so good as to inform me whether, as a Judge of the High Court, transferred thereto from the late Supreme Court, I can avail myself of "short leave of absence on private affairs," for the purpose, if I so wish, of going to Europe during the period of such absence, without thereby interfering with the right secured to me under Section 6 of the High Court's Act (24 and 25 Victoria, Chapter 104), "to receive the like salary, and be entitled to the like pension and advantage" as I should have been entitled to "for, or in respect of, service in the Supreme Court."

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Government, Judicial Department.
14th June 1865.

should you not be in a position to answer this question, please reply to me by the next post.

answer this question
or reply to me

be so good

to E. W.
Bombay;

Mr. Under-Secretary,
in Arnould, one of
which he inquires

private affairs

age of the

whether, if he were to

court since the p

Supreme Court.

In reply, I am directed to observe that the question contained in your letter is the idea that Rule 9 of the

leave of absence from the

of State, No. 15.

Courts who were transferred to the High Courts on the 1st of those

who were not so transferred. A reference, however

the date exp

date exp

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who were transferred

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Rules for Judges of the High

Rules for Judges of the High

retention

power so to absent the

Judges transferred to the High Courts from

7, dated 15th May 1862, which says no further restrictions would be

than the Rules

to enable the

Judge.

Government to make

Reported to the Right Honorable
dated the 30th January

To

WOOD, Secretary to the
Home Department, 30th January

We have

transmit, for your information the accompanying

dated 9th December 1861, and on

23rd January 1865.

one of the Puisne Judges

High Court at Bombay, whether if he were to

short leave of absence on private affairs allowed to the Judges of the High

Proceedings of the Madras Government, Judicial Department,
14th June 1865.

Court since the publication of the revised Rules forwarded with your Despatch, No. 15, dated the 17th February 1863, he would be considered to have abandoned his right to the salary and pensions attaching to his former position of Judge of the Supreme Court.

We have, &c.,

(Signed) JOHN LAWRENCE.
(") H. ROSE.
(") R. NAPIER.
(") H. B. HARRINGTON.
(") H. S. MAINE.
(") C. E. TREVELYAN.
(") W. GREY.

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, 15th April 1865, No. 20.

Your Despatch, dated 30th January (No. 9) 1865, transmitting copy of a correspondence with the Government of Bombay, on the subject of an inquiry made by Sir Joseph Arnould, one of the Judges of the High Court at Bombay, as to leave of absence on private affairs, has been considered by the Council.

2. I concur in your letter to the Government of Bombay of the 23rd January last, No. 746.
3. The Judges of the High Court who were transferred from the Supreme Court, and of the avail themselves both of the privileges allowed to the Judges of the Supreme Court, and of the rules applicable to the Covenanted Civil Service. I am not aware of any objection, however, to any such Judge taking his choice of the two; and should Sir Joseph Arnould or any other Judge of the High Court, formerly a Judge of the Supreme Court, desire to avail himself of the Covenanted Civil Service Rules respecting short leave of absence, he may be permitted to do so, on the understanding that he relinquishes his right to leave of absence under the practice which existed in relation to the Judges of the Supreme Court.

4. The rule to be henceforth observed, respecting short leave of absence, is that prescribed by my Despatch, No. 19, of the 15th April 1865.

5. You are requested to transmit a copy of the correspondence to the Governments of Madras and Bombay, for the information of the Judges of the High Courts at those Presidencies.

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, 15th April 1865, No. 19.

I have to request that the following Rule may be substituted for Rule 9 of the Revised Rules "relating to Furloughs and leave of absence for Judges of the High Court."

"Short leave on private affairs may be granted to the Judges of the High Court under Sections 6, 7 and 8 of the Rules on leave applicable to Covenanted Civil Servants published in a Notification of the Government of India, dated the 16th of December 1864, No. 3890, (Financial Department)."

(True Copies).

(Signed) A. P. HOWELL,
Under Secy. to the Govt. of India.

No. 100. To the Honorable Sir C. H. SCOTLAND, Knight, Chief Justice of the High Court of Judicature, Madras, dated Fort Saint George, 14th June 1865, No. 849.

I am directed by His Excellency the Governor in Council to transmit to you the annexed copies of a letter from the Government of India, and of the correspondence referred to in it.

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

Exd. J. H. Burns.

JUDICIAL DEPARTMENT.

N^o 049.

To

THE HONORABLE SIR COLLEY HARMAN SCOTLAND, Kt.,
Chief Justice of the High Court of Judicature,
Madras.

HONORABLE SIR,

I am directed by His Excellency
the Governor in Council to transmit to you
the ~~annexed~~ copies of a letter from the
the ~~enclosed~~ Proceedings of the Madras
Government dated the 1st of India & of the
No correspondence referred to
in it.

I have the honor to be,

Honorable Sir,

Your most obedient Servant

J. Brandt.

Under Chief Secretary to Govt.

Fort St. George,

16 June 1864.

11.10.05
J. C. H. S.
A. H. S.

dictate

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