M.R.O. 1—59,000—16-12-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1160 Press Mis.

232-238

Dated 31-7-1866

3/8

Not to be folded or roughly handled

No. 237. Read the following letter from the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 6th July 1866, No. 42.

I am directed by the Chief Justice and Judges of the High Court to forward, for such orders as may appear proper to his Lordship the Governor in Council, copies of a letter from the Civil Judge of Ootacamund, dated 23rd May last, of the High Court's Proceedings thereon, and of the Civil Judge's reply to those Proceedings. The High Court are not disposed to enter into a discussion with a subordinate whose letters appear to them purposely insolent, and whose insolence they have no power to punish.

2. I am, at the same time, directed to state that it is very desirable that the High Court should be relieved of the duty of supervising and controlling the contingent expenditure of the Subordinate Courts. The Chief Justice and Judges have long felt this duty to be incongruous, and one which they are not capable of performing to any useful purpose. It seems to them that it would be a more convenient, as well as more natural, arrangement, that the Executive Departments should do the whole, as they now do the more important part.

3. For the convenience of Government, I enclose a Memorandum of the work of which the High Court wish to be relieved.

From J. W. CHERRY, Esq., Civil and Session Judge of Ootacamund, to the Registrar of the High Court of Judicature, Madras; dated Ootacamund, 23rd May 1866, No. 137.

I have the honor to request you will be good enough to obtain the sanction of the Honorable the Chief Justice and Judges for Rupees 70, being the amount required for making a new Seal for the use of this Court.

2. The one now in use is no longer legible, it being entirely worn out, and the impression made by it barely distinguishable, as will be seen by the enclosed specimen.

3. I would further request the High Court will be pleased to sanction the supply to this Court of a strong box with a Chubb's lock, as much difficulty and inconvenience is felt for want of a safe place for the custody of Wills, and other important documents connected with them, which are brought before me for registration, under Bengal Act No. X of 1865. I see them advertised from 150 to 200 Rupees.

4. I would here beg to state that in a station like Ootacamund, so full of Europeans and East Indians, for whom alone the said Act is intended, the Act has a much wider operation here than at other Mofussil Stations.

Proceedings of the High Court of Judicature at Madras, 31*st May* 1866.

Read letter dated the 23rd instant, from the Civil and Session Judge of Ootacamund, requesting sanction for Rupees 70, for making a new seal for the use of his Court, and also for the supply of a strong box for the custody of Wills, &c., brought to him for registration under Act X of 1865.

The Civil Judge apparently contemplates having his seal made of silver, but even then Rupees 70 appears to the Judges a most extravagant estimate. Under the Order of Government, dated 20th April 1866, No. 149, all seals are to be made of brass. The Civil Judge will, accordingly, submit a fresh estimate, stating, at the same time, the value of the silver in the present seal. It should also be explained how the present seal has been so soon worn out, the business of the Ootacamund Court being very light.

2. The Judges are disposed to admit the necessity of a strong box, but the Civil Judge must ascertain and report the precise cost before its purchase can be sanctioned. If the price exceeds Rupees 100, the application will have to be forwarded to Government for sanction.

(True Extract).

(Signed) P. P. HUTCHINS,
Registrar, Appellate Side.

From J. W. CHERRY, Esq., Civil and Session Judge, Ootacamund, to the Registrar, Appellate Side, High Court, Madras; dated Ootacamund, 13th June 1866.

With reference to the Proceedings of the High Court, dated 31st ultimo, I have the honor to state that, as I am unable to submit an estimate which would show the precise amount required for the new seal, I request the High Court will be good enough to sanction exactly the *same* money that was spent on their own seal.

2. The cause of the present seal being so soon worn out is more than I can explain, as, at the time I took charge of it, I found it somewhat in that state. I am, however, disposed to think it more reasonable to account for its being worn out by its more frequent use in the heavy *additional* work, than its not being so much required for the "very light" work the High Court gives this Court credit for, and which I can assure the Judges is altogether a very erroneous idea on their part; the actual receipts of pecuniary claims recovered within the last six months I have been here being nearly *three times* more than in the preceding six months—one fact among others that supports what I say.

3. I am sorry that the impression of the seal itself sent with my application, dated 23rd ultimo, has made no impression as to the necessity of its being renewed.

4. The value of the silver in the present one, from *weight*, appears to be Rupees 5-12-0.

5. As regards the box, I beg to state that one excellent Iron-safe, but second hand, with Chubb's lock, is for sale at Abboo Sait's for 150 Rupees, about one-half of what it actually cost. I beg, therefore, the necessary sanction of Government may be applied for, as soon as possible, as the Court adjourns shortly, and valuable Documents will have to be left in the record-room with merely glass to protect its contents; and, of course, under such circumstances, no responsibility can attach to any one should any thing valuable be removed.

Memorandum of Miscellaneous work of which the High Court seek to be relieved.

Applications for sanction of Miscellaneous charges not allowed to be included in the contingent bills, such as furniture, peons' belts, books, &c. At present, articles, the price of which does not exceed Rupees 100, are sanctioned by the Court: if the price exceed that sum, the application is submitted by the High Court to Government.

2. *Applications for permission to rent private houses*, or to occupy Government buildings. These applications should still be submitted by the High Court, if rendered necessary by a removal of a Court to another station, or any other change which requires the High Court's intervention.

3. *Plans and Estimates of Judicial buildings.* These receive approval of the Civil Judge and Public Works Department.

4. *Acts and other publications to be distributed to the up-country Courts.* The distribution is now made by the Under Secretary to Government through the High Court, which entails double labor and carriage. It should be made direct from the Government Office, without the intervention of the High Court.

5. *Indents and estimates for Stationery.* The control of the High Court in this respect has never been more than nominal.

6. *Bills for travelling and haltage allowance* of the Judges and Establishments of Small Cause Courts may still be forwarded through the Registrar of the High Court, if the Examiner of Claims wishes it.

(Signed) P. P. HUTCHINS,
Registrar, Appellate Side.

6th *July* 1866.

No. 238. ORDER THEREON, 31st July 1866, No. 1160.

The Government entirely concur in opinion with the High Court that the flippant tone of Mr. Cherry's communications deserves serious animadversion.

2. Mr. Cherry will be informed that the Government view with grave displeasure the objectionable style which characterizes much of his correspondence that has come under their notice, and that they cannot permit an Officer in his high position to persist in a course which has been reprobated both by his immediate official superiors and by the Government.

3. Serious notice will have to be taken of any recurrence of this cause of complaint.

4. The general question of relieving the High Court from the duty of controlling the contingent expenditure of the Subordinate Courts will be separately considered. Meanwhile the Government sanction the estimated charge of Rupees (150) one hundred and fifty, for a strong box for the Ootacamund Court.

5. The Civil Judge of Otacamund will communicate with the Mint Master as to the seal required for his Court, the material of which will be of brass, as prescribed in G. O., dated 20th April 1866, No. 149.

(True Extract).

Chief Secretary.

To the Honorable the Judges of the High Court.
„ Civil Judge of Ootacamund.

Exd. J. H. Burns.

Lieut Abrams Brothers
applicant himself in Court
with the Militia Laws relative
as usual with same
the Recruiting Party
must make Bond
Head Quarters Militia must
want. Mr Curry that
nothing he is implicating
Lieut Abrams that
Brothers Officers
commissioned

As regards obtaining
the Head Quarters Militia
way of Regulations
Officers must attend
Exempts without
Militia. Does no
Militia - rather the
Contrary - but on
him relief will Court
naturally to dismiss
his Militia from
consideration
of the Recruiting
Officer, Does Penny

I think the Brigade Major
has refused of the duty which
they put to him to perform.
Mr Curry should be empowered
to purchase a half lead and -
the Box for 150. Rs and remit
a Store refund for the
Govt for the Liberty and impertinence
of his letter to the Court with
a copy of the letter addressed
by the Court to Government.

N.

March 1866 ct 29. 633
" " Jan 1868 Nos 8 9
Jan 20 Oct 1865 ct 23 24
Notification 9 May 1856
" 20 Jan 1857 ct 13 12
" 28 July " ct 28 29.
" 17 March 1866 ct 129 to 131.
" 17 April " ct 133 134

and Lunde as an old Register of 4 years standing in the Sessions Court. Much of the Registry establishment should be reduced & the salaries of the Serishtadar Translators Storekeeper &c. The present proposal of the High Court has long been thought of - and was mooted by Mr Register Chamier when I was one of the Judges - but suspended in that Mr Francis Trotter the Registrar died & establishment remained as sanctioned, but no correspondence then took place & I write simply that I may be able hereafter to give the reason for any change - no more of the matter

Judicial 1866 Departt.
No

From The Registrar of the High Court of Judicature at Madras

To The Acting Chief Secy to Government

Dated 6th July 1866.
Rec'd 6th July 1866.

No 42 No 1448

With one Enclosure.

Submitting, for the orders of Government, copies of correspondence with the Civil Judge of Palacaud and stating that it is desirable that the High Court should be relieved of the duty of controlling the Contingent expenditure of the Subordinate Courts.

RMT. Cobbett 30 14 July 237

Judicial Department. 9 5a

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Registrar of the High Court.

Rec'd 6th July 1866 No 42.

Order thereon 31st July 1866 No 1165.

The Government entirely concur in opinion with the High Court that the flippant and impertinent tone of Mr Cherry's communications deserves serious animadversion.

2. Mr Cherry will be informed that the Government view with grave

grave displeasure the exceedingly objectionable style which characterises much of his correspondence that has come under their notice, and that they cannot permit an officer in his high position to persist in a course which has been reprobated both by his immediate official superiors and by the Government.

3. Serious notice will have to be taken of any recurrence of this cause of complaint.

4. The general question of relieving the High Court

Court from the duty of controlling the contingent expenditure of the Subordinate Courts will be separately considered. Meanwhile the Government sanction the estimated charge of Rupees 150/ one hundred and fifty for a strong box for the Cotacamund Court.

5 The Civil Judge of Cotacamund will communicate with the Admt Master as to the seal required for his Court, the material of which will be of brass as prescribed in G. O. dated 20th April 1866 No 149.

To the Hon. the Judges of the High Court.
— Civil Judge of Cotacamund
Paras 4 & 5 of this Order to Revenue Board
Admt Master

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Judicial 1866. Department.

No. 1160.

PROCEEDINGS OF GOVERNMENT.

Dated 31 July 1866.

237-238.

Press No. 4266, G. M.—12-4-66—500.

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