

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

341-342	G.O. No.	1701	Press
			~~Mis~~
	Dated	28. 10. 1918	1886

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
25th October 1866.*

No. 341. Read the following Despatch from the Right Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor in Council, Fort Saint George; dated India Office, London, 17th September 1866, No. 16.

I have received from the Government of Bombay copy of a Minute by the Honorable Mr. Erskine, expressing his doubts on the question, whether Her Majesty's Government intended to give to the Legislatures of Madras and Bombay power to interfere with the discretion of the High Court, in framing Rules of Procedure.

I now send you copy of the Despatch* which I have addressed, in answer, to the Government of Bombay, explaining the error out of which this question has arisen. I have to request you to make the necessary alteration in your copy of Lord Halifax's Despatch, of 31st January last.

* Judicial Despatch, No. 47, dated 17th September 1866.

Despatch from the Right Honorable the Secretary of State for India, to His Excellency the Honorable the Governor in Council, Bombay; dated India Office, London, 17th September 1866, No. 47.

The Despatch of your Excellency in Council, dated 23rd July, No. 28 of 1866, transmitting copy of a Minute recorded by the Honorable Mr. Erskine, on the subject "of the powers of the Local Legislatures in dealing with any question affecting the powers of the High Court," has been laid before me in Council.

2. I regret to observe a clerical error in the printed Despatch of 31st January 1866, accompanying the transmission of the new Letters Patent from hence. The words in paragraph 9 of that printed Despatch, "fettered by the authority of the Local Legislatures," stand in the original draft of that Despatch, "of the Local Legislature," in the singular. The error is entirely the printer's, and I hope it has produced no greater inconvenience than that of raising the question which has naturally occurred to Mr. Erskine. The intention clearly was to convey the powers in question to the Indian Legislature only. You will have the goodness to correct your copy of the Despatch accordingly.

No. 342. ORDER THEREON, 25th October 1866, No. 1701.

Ordered, accordingly, that the correction pointed out be made in the office copy of Lord Halifax's Despatch of the 31st January last, No. 4.

2. Resolved, also, that a copy of the Despatch above recorded, and of its enclosure, be furnished to the Honorable the Judges of the High Court, for their information.

(True Extract).

Secretary to Government.

To the Honorable the Judges of the High Court.

Exd. J. H. Burns.

*Other to do. } despd 29/10
return made 2/11*

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Despatch from
the Honble the Secy of
State for India

/Dated 17. Sep. '86 No. 16/

Order. 25 Oct. 1886 No. 1701.

- 1 Ordered accordingly
that the correction point-
ed out be made in
the office copy of Lord
Salisbury's Despatch of
the 31. Aug. last. No. 4
- 2 Resolved also that
a copy of the despatch
above recorded & of
its enclosure be furnish-
ed to the Honble the
Judges of the High Court
for their information.

~~Executed~~

J. D. S.
Secy.

So Honble the Judges }
of the H. C. } desd 29/10
Correction made 27/10

341. 342.

List of items 1866

11/8/74

Decided 1866. Department.

No. 1221.

PROCEEDINGS OF GOVERNMENT

Dated 25th October 1866.

[Faint, mostly illegible handwritten notes and text, possibly bleed-through from the reverse side of the page.]