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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 366 Press Mis.

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Dated 12. 3. ~~19~~ 1886

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dated 3.4.1918

Proceedings of the Madras Government, Judicial Department,
12th March 1866.

No. 83. Read the following Despatch from the Right Honorable the Secretary of State for India, to His Excellency the Honorable the Governor in Council, Fort Saint George; dated India Office, London, 31st January 1866, No. 2.

I transmit to you the amended Letters Patent for the High Court of Judicature at Madras—also, for information and guidance, printed copies of the Letters Patent for the High Courts of the other Presidencies, and a copy of the Despatch* which I have addressed on the subject to the Governor General in Council.

* Judicial Despatch, No. 4, dated 31st January 1866.

2. I have to acknowledge, at the same time, your Despatch of which the date† is annexed.

† No. 16 of 1864, dated 3rd September.

No. 84. ORDER THEREON, 12th March 1866, No. 366.

Ordered that the amended Letters Patent for the High Court of Judicature at Madras, bearing date the 28th of December, in the 29th year of the reign of Victoria A. D. 1865, and received with the foregoing Despatch, be published in the *Fort Saint George Gazette*, and that the original be delivered to the Chief Justice and Judges of the High Court, for deposit with the Records of the Court.

2. Ordered, also, that a copy of each of the Letters Patent for the High Courts of the other Presidencies, and of the Despatch addressed by the Secretary of State to the Governor General in Council, under date the 31st January, be sent to the Honorable the Judges, for their information.

(True Extract).

Chief Secretary.

To the Honorable the Chief Justice and Judges of the High Court.

Exd. J. H. Burns.

(AMENDED)

LETTERS PATENT

FOR

The High Court of Judicature

AT

MADRAS.

MADRAS:
PRINTED BY H. MORGAN, AT THE FORT ST. GEORGE GAZETTE PRESS.

1866.

NOTIFICATION.

FORT ST. GEORGE, MARCH 12, 1866.

THE following amended Letters Patent for the High Court of Judicature for the Presidency of Madras, bearing date the twenty-eighth day of December, in the twenty-ninth year of the reign of Victoria, in the year of Our Lord one thousand eight hundred and sixty-five, are published for general information:—

Recital of Act 24 & 25 Vict. cap. 104.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To all to whom these Presents shall come, greeting: Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of Our Reign, intituled "An Act for establishing High Courts of Judicature in "India," it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Madras, for the Presidency of Madras aforesaid, and that such High Court should consist of a Chief Justice and as many Judges not exceeding fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid, the Supreme Court and the Court of Sudder Dewanny Adawlut and Foujdarry Adawlut at Madras, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of justice in the said Presidency, as Her Majesty might by such Letters Patent as aforesaid grant and direct, subject, however, to such directions and limitations, as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency town, as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor General of India in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner

vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Twenty-sixth day of June, in the Twenty-fifth Year of Our Reign, in the Year of our Lord One thousand eight hundred and sixty-two, did accordingly, for Us, Our heirs and successors, erect and establish at Madras, for the Presidency of Madras aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Madras, and did thereby constitute the said Court to be a Court of Record; and whereas we did thereby appoint and ordain, that the said High Court of Judicature at Madras should, until further or other provision should be made by Us or Our heirs and successors in that behalf, in accordance with the recited Act, consist of a Chief Justice and five Judges, and did thereby constitute and appoint certain persons, being respectively qualified as in the said Act is declared, to be Judges of the said High Court:

S. 17. And whereas by the said recited Act it is declared lawful for Her Majesty, at any time within three years after the establishment of the said High Court, by Her Letters Patent, to revoke all or such parts or provisions as Her Majesty might think fit of the Letters Patent by which such Court was established, and to grant and make such other powers and provisions as Her Majesty might think fit, and as might have been granted or made by such first Letters Patent:

Title. And whereas by the Act of the Twenty-eighth of Our Reign, chapter fifteen, entitled "An Act to extend the Term for granting "fresh Letters Patent for the High Courts in India, and to make "further Provision respecting the territorial Jurisdiction of the "said Courts," the time for issuing fresh Letters Patent has been extended to the First of January, One thousand eight hundred and sixty-six:

And whereas, in order to make further provision respecting the constitution of the said High Court, and the administration of Justice thereby, it is expedient that the said Letters Patent, dated the Twenty-sixth of June One thousand eight hundred and sixty-two, should be revoked, and that some of the powers and provisions thereby granted and made should be granted and made with amendments and additional powers and provisions by fresh Letters Patent:

Revocation of Letters Patent of 1862. 1. Now know ye that We, upon full consideration of the premises, and of Our especial grace, certain knowledge, and mere motion, have thought fit to revoke, and do by these presents (from

and after the date of the publication thereof, as hereinafter provided, and subject to the provisions thereof) revoke Our said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, except so far as the Letters Patent of the Forty-first Year of His Majesty King George the Third, dated the Twenty-sixth of December, One thousand eight hundred, establishing a Supreme Court of Judicature at Madras, were revoked or determined thereby.

High Court at Madras to be continued. 2. And We do by these presents grant, direct, and ordain that, notwithstanding the revocation of the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, the High Court of Judicature called the High Court of Judicature at Madras shall be and continue, as from the time of the original erection and establishment thereof, the High Court of Judicature at Madras for the Presidency of Madras aforesaid; and that the said Court shall be and continue a Court of Record, and that all proceedings commenced in the said High Court prior to the date of the publication of these Letters Patent shall be continued and depend in the said High Court as if they had commenced in the said High Court after the date of such publication, and that all rules and orders in force in the said High Court immediately before the date of the publication of these Letters Patent shall continue in force, except so far as the same are altered hereby, until the same are altered by competent authority.

Judges of the said High Court to be continued. 3. And We do hereby appoint and ordain that the person and persons who shall immediately before the date of the publication of these Letters Patent be the Chief Justice and Judges, or acting Chief Justice or Judges, if any, of the said High Court of Judicature at Madras, shall continue to be the Chief Justice and Judges, or acting Chief Justice or Judges, of the said High Court, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the said recited Act for establishing High Courts of Judicature in India.

Clerks, &c. of the said High Court to be continued. 4. And We do hereby appoint and ordain that every clerk and ministerial officer of the said High Court of Judicature at Madras, appointed by virtue of the said Letters Patent of the Twenty-sixth June, One thousand eight hundred and sixty-two, shall continue to hold and enjoy his office and employment, with the salary thereunto annexed, until he be removed from such office and employment; and he shall be subject to the like power of removal, regulations, and provisions as if he were appointed by virtue of these Letters Patent.

Declaration to be made by Judges. 5. And We do hereby ordain that the Chief Justice and every Judge who shall be from time to time appointed to the said High Court of Judicature at Madras, previously to entering upon the execution of the duties of his office, shall make and subscribe the following

declaration before such authority or person as the Governor in Council may commission to receive it:—

"I, *A.B.*, appointed Chief Justice [*or* a Judge] of the High "Court of Judicature at Madras, do solemnly declare that I will "faithfully perform the duties of my office to the best of my ability, "knowledge, and judgment."

6. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at Madras shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms, with an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at Madras." And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of Section 7 of the said recited Act; and We do further grant, ordain, and appoint that whensoever it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said seal be committed shall be vacant, the said High Court shall be and is hereby authorized and empowered to demand, seize, and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

Seal.

Writs, &c., to issue in name of the Crown, and under Seal.

7. And We do hereby further grant, ordain, and appoint that all writs, summons, precepts, rules, orders, and other mandatory process to be used, issued, or awarded by the said High Court of Judicature at Madras, shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

Appointment of officers.

8. And We do hereby authorise and empower the Chief Justice of the said High Court of Judicature at Madras from time to time, as occasion may require, and subject to any rules and restrictions which may be prescribed by the Governor in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of Justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Governor in Council, and shall be either confirmed or disallowed by the Governor in Council. And it is Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall, from time to time, appoint for each office and place respectively, and as the Governor in Council, subject to the control of

the Governor General in Council, shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor in Council, and to absent himself from the said limits during the term of such leave, in accordance with the said rules.

Admission of Advocates, Vakeels, and Attorneys.

Powers of High Court in admitting Advocates, Vakeels, and Attorneys.

9. And We do hereby authorise and empower the said High Court of Judicature at Madras to approve, admit, and enrol such and so many Advocates, Vakeels, and Attorneys, as to the said High Court shall seem meet; and such Advocates, Vakeels, and Attorneys shall be and are hereby authorised to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors, according as the said High Court may by its rules and directions determine, and subject to such rules and directions.

In making rules for the qualifications, &c., of Advocates, Vakeels, and Attorneys.

10. And We do hereby ordain that the said High Court of Judicature at Madras shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels, and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law; and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or to plead for, or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

Civil Jurisdiction of the High Court

Local limits of the ordinary original jurisdiction of the High Court.

11. And We do hereby ordain that the said High Court of Judicature at Madras shall have and exercise ordinary original civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by the Governor in Council, and, until some local limits shall be so declared and prescribed, within the limits of the local jurisdiction of the said High Court of Madras at the date of the publication of these presents, and the ordinary original civil jurisdiction of the said High Court shall not extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

Original jurisdiction as to suits.

12. And We do further ordain that the said High Court of Judicature at Madras, in the exercise of its ordinary original civil jurisdiction, shall be empowered to receive, try, and determine suits of every description, if, in the case of suits for land or other immoveable property, such land or property shall be situated, or in all cases if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part,

within the local limits of the ordinary original jurisdiction of the said High Court, or if the Defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain within such limits; except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause Court at Madras, in which the debt or damage, or value of the property sued for, does not exceed One hundred rupees.

Extraordinary original civil jurisdiction.

13. And We do further ordain that the said High Court of Judicature at Madras shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Presidency of Madras, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

Joinder of several causes of action.

14. And We do further ordain that where Plaintiff has several causes of action against Defendant, such causes of action not being for land or other immoveable property, and the said High Court shall have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the Defendant to show cause why the several causes of action should not be joined together in one suit, and to make such order of trial of the same as to the said High Court shall seem fit.

Appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction.

15. And We do further ordain that an appeal shall lie to the said High Court of Judicature at Madras from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court, or of one Judge of any Division Court, pursuant to section 13 of the said recited Act; and that an appeal shall also lie to the said High Court from the judgment, not being a sentence or order as aforesaid, of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of Judges of the said High Court, or of such Division Court, shall be to Us, Our heirs or successors, in Our or their Privy Council, as hereinafter provided.

Appeal from Courts in the provinces.

16. And We do further ordain that the said High Court of Judicature at Madras shall be a Court of appeal from the Civil Courts of the Presidency of Madras, and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

Jurisdiction as to Infants and Lunatics.

17. And We do further ordain that the said High Court of Judicature at Madras shall have the like power and authority

with respect to the persons and estates of infants, idiots, and lunatics within the Presidency of Madras as that which was vested in the said High Court immediately before the publication of these presents.

Provision with respect to the Insolvent Court.

18. And We do further ordain that the Court for relief of insolvent debtors at Madras shall be held before one of the Judges of the said High Court of Judicature at Madras, and the said High Court, and any such Judge thereof, shall have and exercise, within the Presidency of Madras, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India.

Law to be administered by the High Court.

By the High Court in the exercise of ordinary original civil jurisdiction.

19. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the said High Court of Judicature at Madras, in the exercise of its ordinary original civil jurisdiction, such law or equity shall be the law or equity which would have been applied by the said High Court to such case if these Letters Patent had not issued.

In the exercise of extraordinary original civil jurisdiction.

20. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at Madras, in the exercise of its extraordinary original civil jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein.

By the High Court in the exercise of appellate jurisdiction.

21. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at Madras, to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

Criminal Jurisdiction.

Ordinary original jurisdiction of the High Court.

22. And We do further ordain that the said High Court of Judicature at Madras shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction; and also in respect of all such persons, beyond such limits, over whom the said High Court of Judicature at Madras shall have criminal jurisdiction at the date of the publication of these presents.

Jurisdiction as to persons.

23. And We do further ordain that the said High Court of Judicature at Madras, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original criminal jurisdiction.

24. And We do further ordain that the said High Court of Judicature at Madras shall have extraordinary original criminal juris-

diction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the said High Court, and shall have authority to try at its discretion any such persons brought before it on charges preferred by the Advocate General, or by any magistrate or other officer specially empowered by the Government in that behalf.

No appeal from High Court exercising original jurisdiction.

25. And We do further ordain that there shall be no appeal to the said High Court of Judicature at Madras from any sentence or order passed or made in an any criminal trial before the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court.

Court may reserve points of law.

High Court to review on certificate of the Advocate General.

26. And We do further ordain that, on such point or points of law being so reserved as aforesaid, or on its being certified by the said Advocate General that, in his judgment, there is an error in the decision of a point or points of law decided by the court of original criminal jurisdiction, or that a point or points of law which has or have been decided by the said court should be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

Appeals from criminal courts in the Provinces.

27. And We do further ordain that the said High Court of Judicature at Madras shall be a court of appeal from the criminal courts of the Presidency of Madras, and from all other courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force.

Hearing of referred cases, and revision of criminal trials.

28. And We do further ordain that the said High Court of Judicature at Madras shall be a court of reference and revision from the criminal courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the session Judges, or by any other officers now authorised to refer cases to the said High Court, and to revise all such cases tried by any officer or court possessing criminal jurisdiction, as are now subject to reference or to revision by the said High Court.

High Court may direct the transfer of a case from one Court to another.

29. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any court to any other court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or court otherwise competent to investigate or try it though such case belongs in ordinary course to the jurisdiction of some other officer or court.

Criminal Law.

Offenders to be punished under Indian Penal Code.

30. And We do further ordain that all persons brought for trial before the said High Court of Judicature at Madras, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a court of appeal, reference, or revision, charged with any offence for which provision is made by Act No. XLV. of 1860, called the "Indian Penal Code," or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.

Judges may be authorized to sit in any places by way of circuit or special commission.

31. And We do further ordain that whenever it shall appear to the Governor in Council convenient that the jurisdiction and power by these Our Letters Patent, or by the recited Act, vested in the said High Court of Judicature at Madras should be exercised in any place within the jurisdiction of any court now subject to the superintendence of the said High Court, other than the usual place of sitting of the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places, shall be regulated by any law relating thereto, which has been or may be made by competent legislative authority for India.

Admiralty and Vice-Admiralty Jurisdiction.

Civil.

32. And We do further ordain that the said High Court of Judicature at Madras shall have and exercise all such civil and maritime jurisdiction as may now be exercised by the said High Court as a Court of Admiralty or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in India as may now be exercised by the said High Court.

Criminal.

33. And We do further ordain that the said High Court of Judicature at Madras shall have and exercise all such criminal jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, or otherwise in connection with maritime matters, or matters of prize.

Testamentary and Intestate Jurisdiction.

Testamentary and intestate jurisdiction.

34. And We do further ordain that the said High Court of Judicature at Madras shall have the like power and authority as that which may now be lawfully exercised by the said High Court, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever of persons dying intestate, whether within or without the Presidency of Madras: Provided always, that nothing in these Letters Patent contained shall interfere with the provisions

of any law which has been made by competent legislative authority for India, by which power is given to any other Court to grant such probates and letters of administration.

Matrimonial Jurisdiction.

Matrimonial jurisdiction.

35. And We do further ordain that the said High Court of Judicatre at Madras shall have jurisdiction, within the Presidency of Madras, in matters matrimonial between Our subjects professing the Christian religion: Provided always, that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof.

Powers of Single Judges and Division Courts.

Single Judges and Division Courts.

36. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature at Madras, in the exercise of its original or appellate jurisdiction, may be performed by any Judge, or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth Section of the aforesaid Act of the Twenty-fourth and Twenty-fifth Years of Our reign; and if such Division Court is composed of two or more Judges, and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

Civil Procedure.

Regulation of proceedings.

37. And We do further ordain that it shall be lawful for the said High Court of Judicature at Madras from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceedings in its admiralty, vice-admiralty, testamentary, intestate, and matrimonial jurisdiction respectively: Provided always, that the said High Court shall be guided in making such rules and orders as far as possible by the provisions of the Code of Civil Procedure, being an Act passed by the Governor General in Council, and being Act No. VIII of 1859, and the provisions of any law which has been made, amending or altering the same, by competent legislative authority for India.

Criminal Procedure.

Regulation of proceedings.

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at Madras, in the exercise of its ordinary original criminal jurisdiction, and also in all other criminal cases over which the said High Court had jurisdiction immediately before the publication of these presents, shall be regulated by the procedure and practice which was in use in the said High Court immediately before such publication, subject to any law which has been or may be made in relation

thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being Act No. XXV. of 1861, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

Appeals to Privy Council.

Power to appeal.

39. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature at Madras made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal shall not lie to the said High Court under the provision contained in the 15th clause of these Presents: Provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some, claim, demand, or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

40. And We do further ordain that it shall be lawful for the said High Court of Judicature at Madras, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

Appeal in criminal cases, &c.

41. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature at Madras, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner herein-before provided

by any court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our heirs or successors, in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Rule as to transmission of copies of evidence and other documents.

42. And We do further ordain that, in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature at Madras to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

Calls for Records, &c., by the Government.

High Court to comply with requisition from Government for records, &c.

43. And it is Our further will and pleasure that the said High Court of Judicature at Madras shall comply with such requisitions as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem proper.

Powers of Indian Legislature preserved.

44. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor General in Council, exercised at meetings for the purpose of making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an Act of the Twenty-fourth and Twenty-fifth years of Our Reign, chapter sixty-seven, and may be in all respects amended and altered thereby.

Provisions of former Letters Patent inconsistent with these Letters Patent, to be void.

45. And it is Our further will and pleasure that these Letters Patent should be published by the Governor in Council, and shall come into operation from and after the date of such publication; and that from and after the date on which effect shall have been

given to them, so much of the aforesaid Letters Patent granted by His Majesty King George the Third as was not revoked or determined by the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, and is inconsistent with these Letters Patent, shall cease, determine, and be utterly void, to all intents and purposes whatsoever.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster the Twenty-eighth day of December in the Twenty-ninth year of Our Reign.

By Warrant under the Queen's Sign Manual.

(Signed) C. ROMILLY,

By Order of His Excellency the Governor in Council.

A. J. ARBUTHNOT, *Chief Secretary.*

recd 13/3/66
With Madras Letters Patent
2 copies of Bengal do
2 copies of Bombay do
and
2 copies of Despatch to Govt General

Judicial Department. 107

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PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
Despatch from the Right
Hon'ble the Secretary of
State for India

/ Rec'd 31 Jany 66 No 2 /

Order thereon 12 March 1866 No 366

Ordered that the
amended Letters Patent
for the High Court of
Judicature at Madras
bearing date the 28th of
December in the 29th
year of the Reign of
Victoria A.D. 1865 and
received with the foregoing
Despatch be published
in

in the Fort Saint George Gazette, and that the original be thereafter delivered to the Chief Justice and Judges of the High Court for deposit with the Records of the Court.

2. Ordered also that a copy of each of the Letters Patent for the High Courts of the other Presidencies be also sent to the Honorable the Judges for their information.

and of the despatch authorizing the printing of these [illegible]

To the Hon'ble the Chief Justice & Judges of the High Court dispo 13/3

" Gazette 13/3

22-1-23 II
239-25 II ✓

Judicial 1860. Department.

No. 366.

PROCEEDINGS OF GOVERNMENT.

Dated 12 March 1860

Press No. 2755; G. M.—14.11.65—500.

Further papers.
G.O. 780, Home (Judl) d. 3.4.1918
G.O. 170, Law (Judl) d. 24.1.21
G.O. 1431, Home (Judl) d. 23.6.1919

83.84.