

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	929	Press
		Mis.
Dated	13-6-19	1888

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
13th June 1866.

No. 122. Read the following letter from W. HODGSON, Esq., Civil and Session Judge of Guntoor, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 31st May 1866.

My Court ought to re-open this year on Monday the 25th June, and to enable me to rejoin at Guntoor in time, I should have to leave Madras by the Steamer for the Northern Ports of the 15th proximo, and so lose more than a week of the adjournment at my station.

2. I have the honor to request, therefore, that you will do me the favor to submit my application to the Right Honorable the Governor in Council, for permission to proceed to Masulipatam by the Steamer leaving Madras usually on the 26th or 27th of the month, the few days in excess of the adjournment being with or without pay, as may be ordered by the Right Honorable the Governor in Council, on consideration of the very out of the way station which I have to rejoin, and the very great inconvenience it would be to undertake so long a land journey at this season of the year.

Referred to the Accountant General, for his observations.
FORT SAINT GEORGE,
8th June 1866.

(Signed) J. D. SIM,
Acting Chief Secretary.

No. 122A.

No. 47.
MEMORANDUM.

The undersigned has the honor to report that there are no rules providing for the extension of the Court's adjournment; but, if the Government be pleased to permit Mr. Hodgson to be absent beyond the date fixed for the opening of the Court, with forfeiture of his entire allowances, it is competent to them to do so. It is observed that Mr. Hodgson made a similar application last year—*vide* P. G. 25th July 1865, No. 1036, Judicial Department.

9th June 1866.
To the Officiating Chief Secretary to Government.

(Signed) F. LUSHINGTON,
Accountant General.

No. 123. ORDER THEREON, 13th June 1866, No. 929.

The Governor in Council declines to comply with the foregoing application; any alteration in the date already fixed and notified for re-opening the Court must cause great public inconvenience. Mr. Hodgson should have made his arrangements so as to admit of his resuming his duties at the appointed time.

(True Extract).

Acting Chief Secretary.

To W. Hodgson, Esq., Ootacamund.

Erd. J. H. Burns.

Judicial Dept.

No. 1204

From
The Civil & Session Judge of Hunters
Dated 31st May 1866.

For Orders

I would decline to comply with the Civil
& Session Judge's request.

He cannot be ignorant that in regard
to the adjournment & reopening of their
Courts, Civil & Session Judges are not under
the authority of Govt., as that matter, by
the provisions of Regs. III of 1816, is determined
by the High Court. To whom in that respect
Mr. W. Hodgson and the other Judges
are immediately subordinate.

In fact, a compliance with Mr. Hodgson

application would practically be to
on the jurisdiction and privilege of the
High Court, with some knowledge and
consent. It has been publicly notified
that the C. S. Court at Freetown will
reopen on the 23rd instant.

Last year, a difficulty occurred, which
led to Mr. Hodgson being censured for
not returning to open his Court on the
prescribed date. It is no doubt to try &
save himself from a repetition of similar
anecdotes under somewhat analogous
circumstances, that the present application
has improperly been submitted to the Govt.
if submitted at all to any existing authority
it should have been laid before the
High Court.

All the Embarrassment at the C. S. Court
contemplated would have been avoided by

an earlier or later adjournment, so as
to hit off the ordinary well known
dates of departure & arrival of the
Coastal Steamers.

I would telegraph to Mr. Hodgson that
his application is rejected, otherwise
it will be urged by him that he did not
receive the answer of Govt. until too
late to reach Freetown.

9 June 66

W.D.

I think that Mr. Hodgson should be
informed by telegraph that his application
is declined and that he should be
informed by letter that he ought to have
made arrangements at an earlier period
for reaching his post by the most convenient
route before the date fixed for reopening
his Court. This might have been done
by the most common exercise of foresight.

nothing would create more confusion and
inconvenience than any alteration
in the date for recommencing Judicial
business adopted at the very end of the
year. The Judges should make it a
point of professional honor to observe
the most rigid punctuality.

Pro R of the Madras Govt.

Read Letter from the
Civil & Session Judge of
Guntur.

/ Here entered 17th May 1866

Order - 13 June 1866 N: 929.

The Jm. declines
to comply with the fore-
going application - Any
alteration in the date
already fixed and
notified for re-opening
the Court must cause
great public inconvenience.
Mr. Hodgson should
have made his arrange-
ments so as to admit
of his resuming his
duties at the appointed
time.

W. Hodgson Esq. - Order? dated 13/6

Judicial 1866 Dephantt

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Proceedings of Court

Dated 13th June 1866.

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