

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	898	Press
		~~Miss~~
Dated	3-6-1867	

Not to be folded or roughly handled

16-10-30

*Proceedings of the Madras Government, Judicial Department,
3rd June 1867.*

No. 11. Read the following letter from the Honorable Sir C. H. SCOTLAND, Kt., Chief Justice of the High Court of Judicature at Madras, to the Right Honorable the Governor in Council, Fort Saint George; dated Madras, 3rd April 1867.

The letter of the Chief Secretary to the Acting Chief Justice, of the 25th February last, No. 297, received during my absence on leave, with the annexed copies of Despatches from the Right Honorable the Secretary of State for India to your Excellency in Council, and to the Government of India, on the subject of Returns of the business disposed of by the High Courts in India, were, on my return, laid before me.

2. In the latter Despatch there is one, and only one, passage, relating to the conduct of business in the High Court of Madras, which calls for observation from me. In the 12th paragraph, the Secretary of State, reasoning from a comparison of the part taken by Barrister Judges at Bombay with that taken at Madras, remarks—“one of the principal objects of the Statute establishing the High Court was to give the Civilian Judges the benefit of the legal experience of the Barrister Judges in the disposal of Appellate business. This object does not seem to have been sufficiently kept in view at Madras.” The remark imports an omission of duty on the part of the Chief Justice, with whom rests the discretion of determining what Judges shall, from time to time, sit either singly or in Division Courts, and would hardly, I think, have been made if the Secretary of State's attention had been directed to my correspondence on the subject of the constitution of the High Court.

3. The object referred to has always been kept anxiously in view, and but for the proportion of Civilian Judges to Barrister Judges, relatively to the business on the two sides of the Court, would have been all along fully carried out. To do so, it was necessary that my Civilian colleagues should be required to take part in the work on the Original Side of the Court, and when, on a recent vacancy, a 3rd Civilian Judge was again appointed, I thought it right to arrange (as my official letter at the time stated I probably would) that they should sit regularly for the disposal of original business, an arrangement which has not been introduced in either of the other High Courts. This has been the practice for some months, and a Barrister Judge is thereby enabled to sit in Court frequently on the Appellate Side. I request your Excellency in Council will do me the favor to forward these observations to the Secretary of State in Council.

4. The Registrars have been directed to enclose Returns of the business of the Court, in the revised form given in the Despatch of the Secretary of State.

Lord

**Proceedings of the Madras Government, Judicial Department,
3rd June 1867.**

STATEMENT of business disposed of in the High Court of Judicature at Madras, in the year 1866.
Original Side.

	Suits, &c.		Disposed of on merits.	Before				Otherwise disposed of.	Days of sitting.
	Remaining from 1865.	Filed in 1866.		One Barrister Judge.	Two Barrister Judges.	One Civilian Judge.	One Barrister and one Civilian Judge.		
Original Suits including Vice Admiralty, Equity, and Ecclesiastical cases.....	188	558	319	168	111	40	...	105	214
Insolvent cases.....	2	141	128	128	...	...	...	...	24
Appeals from Division Courts.	...	7	7	...	4	...	3	...	3
Criminal trials.....	...	162	162	100	...	62	...	...	32
References before a Judge in Chambers.....	...	4	4	4	...	...	...	...	11
Cases referred by the Madras Court of Small Causes, and by the Police Magistrates of the Town of Madras... ..	...	7	7	...	4	...	3	...	5
Total...	190	879	627	400	119	102	6	105	289

(Signed) A. M. RITCHIE,
Registrar.

N. B.—In the Return for the year 1865, where more than one Court was sitting on the same day, it was only calculated as one day of sitting.

(Signed) A. M. RITCHIE,
Registrar.

**Proceedings of the Madras Government, Judicial Department,
3rd June 1867.**

STATEMENT of business disposed of in the High Court of Judicature at Madras in the year 1866.
Appellate Side.

	Remaining from 1865.	Filed in 1866.	Disposed of in 1866.	Days of sitting, with the number of Judges.			Number of days the Judges sat for the disposal of—
				Days.	Barrister Judges.	Civilian Judges.	
1. Regular Appeals... ..	48	94	113				98
2. Applications for Special Appeals... ..	275	564	671				117
3. References under Mofussil Small Cause Court Acts... ..	2	23	21	2	1	2	14
4. References under Section 29, Act XXI of 1866... ..	...	1	...	18	1	1	
5. Criminal cases requiring confirmation, including those appealed or revised, &c... ..	30	2,581	2,582	101		2	107
6. Miscellaneous Orders in Court..	...	...	1,479				89
7. Do. Orders out of Court... ..	...	...	2,929				

(Signed) T. WILKINS,
*Deputy Registrar,
Appellate Side.*

No. 12. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 3rd June 1867, No. 898.

In acknowledging the receipt of Mr. Under Secretary Howell's letter, under date the 27th February last, No. 2049, regarding the submission of the explanations called for by the Secretary of State, in his Despatch of the 16th January last, respecting the work of the Madras High Court, I am directed to submit the annexed copy of a letter from the Chief Justice, forwarding Returns of the business performed by the High Court in the year 1866, in the revised form prescribed in Lord Cranborne's Despatch.

2. Copies of the correspondence to which Sir C. Scotland alludes in the 2nd paragraph of his letter, are enclosed.

3. With reference to entries in the Return of business on the Appellate Side of the Court for 1866, I am directed to observe that those in the columns headed "Days", "Barrister Judges", and "Civilian Judges" do not refer to any of the particular branches of business, the figures of which are entered in the preceding

*Proceedings of the Madras Government, Judicial Department,
3rd June 1867.*

column: they merely show that the Judges sat on the Appellate Side for 121 days, on 101 of which two Civilian Judges sat; on 18, one Barrister Judge, and one Civilian Judge; and on 2 days, one Barrister Judge and two Civilian Judges.

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

Exd. J. H. Burns.

High Court
L. S. by.

My dear Sir

I return you the statement
you sent me yesterday, with
an additional column showing
the number of days on which
the Judges disposed of
Nos. 1, 2, 3, 4, 5, and 6 respectively,
and trust that I have
supplied the information
you require.

I am directed to submit
the annexed copy of a
letter from the Chief Justice
forwarding returns of the
business performed by
the High Court in the
year 1866 in the revised
form prescribed in
Lord

I should, perhaps, explain that on the appellate side the Judges sit usually three times a week, and at each sitting dispose of all kinds of work promiscuously.

They do not dispose of appeals one day, petitions another, and so on.

The enclosed "memo of work" on 10th May will show the practice clearly.

In the statement, of the column

Exd. J. H. Burns.

headed "Days" does not show the numbers of days, on which particular kinds of work were done; - but the number of days on which one barrister sat with one witness, or with two witnesses; and on which two witnesses only sat.

The statement, as amended, shows that there were 121 days on which the Judges sat; that on so many such and such Judges sat; and

I am directed to submit the annexed copy of a letter from the Chief Justice forwarding returns of the business performed by the High Court in the year 1866 in the revised form presented in
Lord

that on so many out of these
121 days Regular appeals were
heard and disposed of together
with the other kinds of work; that
on so many applications for
appeals were disposed of with
other kinds of work; - and
on so many - such and such
kinds.

I hope you will understand
this: but if you do not I will
try and explain the statement
better.

I remain,

My dear Sir,

Very faithfully yrs.

J. H. Burns
Asst. Registrar C.S.

Exd. J. H. Burns.

despatch with
correspondence
referred to in para 2.

To

Judicial Department.
No. 898.
The Secretary to the Government
of India,
Home Department.

Sir,

In acknowledgment the
receipt of Mr. Under Secretary
Howell's letter under date
the 27th February last.
No. 2049, regarding the
submission of the explana-
tions called for by the
Secretary of State in his
despatch of the 16 January
last, respecting the work
of the Madras High Court
I am directed to submit
the annexed copy of a
letter from the Chief Justice
forwarding returns of the
business performed by
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year 1866 in the revised
form prescribed in
Lord

Lord Cranborne's despatch.

2. Copies of the correspondence to which Sir J. Scottland alludes in the 2^d para of his letter are enclosed.

3. With reference to entries in the return of business on the Appellate side of the Court for 1866, I am directed to observe that those in the columns headed "Days" "Barrister judges" and "Civilian judges" do not refer to any of the particular branches of business the figures of which are entered in the preceding column.

They merely show that the judges sat on the Appellate side for 121 days, on 101 of which two

Civilian

6
Civilian judges sat, on 18, one Barrister judge and 1 Civilian judge, and on 2 days, one Barrister judge and two Civilian judges.

Wm. St George
3^d June 1867

Return of the
 11th Regt. of Infantry

11. 12.

General 18th Sept 1867

1st Regt

the 1st Regt of the 1st

of the 1st

of the 1st 1867

of the 1st 1867

29: 1867.
 R.B. Jones.

259/53/58