

Judicial (189) Department.

ORDINARY *Ans*

G.O., No. 205

Confidential No. 8

DATED 4-2-99

[Despatch Abstract.]

Mr H.G. Joseph ICS. Expressing ^{the} dis-

pleasure of Govt at the conduct of
in disobeying the orders of the

High Court regarding his sitting
the District Court of South Canara
and directing him to withdraw,
that full apology ^{to the Honble Judges} a letter addressed
him to Govt through the High Court
the subject.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.

FURTHER PAPERS

G.O.	No.	Department.	Date.	G.O.	No.
Can	23	of 99			

பாடகாப்புப் பிரதி-1
செப்பனெடுபவர் பெயர் ரா. குமாரசாமிநாயக்

செப்பனெடுவதற்காக
எடுத்துக் கொள்ளப்ப
பட்ட நாள்

2/2006

செப்பனெடு முடிந்த நாள்

6/2006

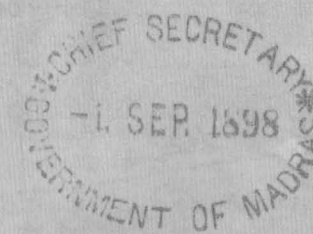
சாப்பார்க்கும்
முதல் மு. நி. பா. எ.
கையொப்பம்

சாப்பார்க்கும்
2-ம் மு. நி. பா. எ.
கையொப்பம்

சுராய்ச்சி
உதவியாளர்
கையொப்பம்

Judicial Public (1898) Department.

2
CURRENT No. 3634



Am. Case

Ch.

From

The Registrar,
High Court of Judicature,
Madras.

For Orders

Please see the correspondence
in G.O. 172 dated 28/1/93. Reference No. 2085

When W. Thompson was
sent up by the H.C. in a
similar complaint. It was
then found that W. Thompson
had kept well abreast
of his work. There was
therefore no ground for
disqualification. It is
submitted that in this
case also the H.C. may
be asked to furnish
information as to the
state of Mr. Joseph's file,
and also to obtain his
explanation.

Dated 30th August 1898.
Received 1-9-98
Registered 2-9-98
Enclosures
Spare copies

SUBJECT.

Reporting the case of Mr. H.G.
Joseph, District and Sessions
Judge of South Canara, for the
orders of Government.

Mr. Yes. Let this information be the same as in Thompson's

BACK PAPERS.

G.O.	No.	Department.	Date.
	18		9-1-98
	47		10-1-98
	172		28-1-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Ref. No. 57.

3

PROCEEDINGS OF THE HIGH COURT OF JUDICATURE AT MADRAS.

27th April 1898.

189

Read

Read statements of sitting submitted by the District and Sessions Judge of South Canara for the 1st quarter of 1898 and his letter No. 995, dated 28th March 1898, submitting explanations as to his short sittings called for in High Court Reference, letter on Periodical No. 57 of 1898, dated 11th March 1898.

The marginally noted statement exhibits Mr. Joseph's

Month.	No. of days in which the Judge sat in Court.	Average length of daily sittings.
January	20	4 hours
February	18	3h. 15'
March	23	3h. 30'

sittings for the 1st quarter. The number of days on which he sat during the quarter was

the minimum number and the average duration of his sittings not much more than half of what they should be. It is only when ^{he} is called on for an explanation in regard to his short sittings in January that he now informs the Court that his short sittings in February and March were due to his ill-health. But he justifies his short sittings for only ^{an} average of 4 hours a day in January as being all that he can efficiently perform. He is, therefore, informed that, if he is not able to sit in Court, on the days on which he does sit, 5 or 6 hours a day, as the rules of Government require and as other Judges do, he should inform Government of his inability; so that he may be relieved from the work expected from a District and Sessions Judge and given other employment. Otherwise the High Court will have to report him to Government for disobedience of their orders.

(True Extract.)

2,000-9-10-96.

(Signed) A. L. Hanney,
Registrar.

(True Copy.)

High Court of Judicature,
Madras, 30th August 1898.

a. L. Hanney
Registrar. 31. 8/98

High Court of Judicature,
Madras, 30th August 1893. A

Refon 2085

CURRENT No. 3634

From

A. L. Hannay, Esquire,

Registrar of the High Court of Judicature, Madras.

To

The Honourable Mr. G. Stokes,

Chief Secretary to the Government of Madras.

Honourable Sir,

I am directed to forward, for the orders of Government, the following report regarding the conduct of Mr. H. G. Joseph, I.C.S., as District and Sessions Judge of South Canara.

2. According to the rules sanctioned in G.O., No. 18, Judicial, dated 9th January 1883, District and Sessions Judges are directed ordinarily to sit in Court from 11 A.M. to 5 P.M., excluding the time for luncheon, i.e., an average daily sittings of 5 to 5½ hours is expected from them. With this rule all District and Sessions Judges except Mr. H. G. Joseph, generally comply. Taking the first three months of this year, Mr. Joseph sat during January only 4 hours a day, during February, 3½ hours and during March, 3½ hours. His shortcomings were pointed out to him in the Proceedings of this Court dated 27th April 1893 (copy enclosed). He was then warned that he would be reported to Government if his disobedience of orders continued. During the months of April and May, his Court was closed for the annual recess. For June, Mr. Joseph's return of average daily sittings was 5½ hours which would have been satisfactory had it not been for an apologetic note that he made that the long hours were due to a heavy Session lasting almost through the month during which prolonged

sittings were necessary. It was pointed out to Mr. Joseph that the average length of his sittings was even then less than that of the majority of the Judges. Mr. Joseph's sittings in July were only 3½ hours and he explained this to be due to "unavoidable deficiency of civil work" and time spent in Criminal Revision work taken up sub note which could not be shown in sittings. The High Court considers that "unavoidable deficiency of civil work" can only mean defective arrangement in the posting of cases; but even if Mr. Joseph had not got sufficient work posted in his own Court, he could have ^{called} ~~asked~~ up cases from the Subordinate Judge to keep him engaged. It therefore appears to the High Court that Mr. Joseph is wilfully disobeying its orders and that he is determined not to sit for more than 3 or 4 hours a day.

Mr. Joseph having had due warning which he sets at defiance it has been considered unnecessary to call on him for further explanation.

I have the honour to be,

Honourable Sir,

Your most obedient servant,

A. L. Hannay

3. 5/58
Registrar.

[13.]
[24.]
300-8-12-07.

5
Judicial DEPARTMENT.

Papers to be read in Proceedings:-

Again G.O., dated	189	, No.
Again G.O., dated	189	, No.
Current No. 3634	of 1898, dated	, from the Registrar High Court
" "	" 189	, " "
" "	" 189	, " "

CS. (from CS's order)
A.H.W./C-12/12/58

ORDER (Ref.) No. 1961
13-9-98

The Govt. will be much obliged if the Honble the Judges of the High Court will be ~~so~~ so good as to give directions for the preparation & transmission of a statement in the accompanying form regarding Mr. Joseph's work, and also to obtain ~~from the Registrar~~ (from CS's order)

+ on the next sheet.

ATP 9.12.98. HX 9/9/95 11/9/98

Copied 13/12/98

To the Honble the C.J. with the Ch. J. with state

Statement showing the number of suits and appeals for disposal, disposed of and pending & petitions & criminal cases disposed of in the District and Session Court of South Canara (1898.)

	Civil work				Criminal work			
	Ordinary & summary suits		Small Causes		Petitions disposed of		Sessions Cases	
	for disposal	disposed of	Pending	for disposal	for disposal	disposed of	disposed of	disposed of
January								
February								
March								
April								
May								
June								
July								
August								
Total								

January
February
March
April
May
June
July
August

* The Court was closed for the summer recess from 6th April to 6th June.
(Part of the year 1897-98 was closed for the summer recess from 6th April to 6th June.)

7

Judicial
Public (1898) Department.

N

To be over pending
receipt of reply to
O.M. No 1961 Jnd
d 13-9-98 M

Ulu
29/9/98

Ulu
29/9/98

CURRENT No. 427

Just DEPARTMENT No. 427
ORDER
ROUTINE SERIES
No. 1592
Date 2-12-98
From

GOVERNMENT OF MADRAS
10 SEP. 1898

Reply received - V. J. L.
current No 197
The link file

Ulu
11/10/98

Ulu
11/10/98

Dated 13th September 1898
Received 16
Registered 17

Enclosures 1
Spare copies

SUBJECT.

Forwarding two letters from the
District & Sessions Judge of South
Canara, containing explanation of
his short sittings on the Bench and
stating that the High Court has no
observations to make thereon.

Ulu
11/10/98
O.C. No 3634 only,
No 3862.
Ref. 1592 d 2-12-98
The Hon. the Judges will
be requested to be so good
as to furnish G.O. with
copies of the explanations
submitted by Mr. Joseph which
are referred to in his heading
of H.C. proceedings No 609,
d 24/9/96, and of Mr. Joseph's
letter No 955 d 25/3/95.

Madras papers for No 34 Pub 493
and connected papers
Ulu
21/9/96
Recd H. J. L.
W. J. L.

Return to S after despatch
To the Hon. the C. J. with C. L.
Keep file intact

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Encls: No 2 to a letter No 21497
31. 8. 97

Reference on Per No 14 of 1896 8

Proceedings of the High Court of Judicature at Madras
31st July 1896.

Read Statements of Sittings submitted
by the District and Sessions Judge of South Canara
for the months of May and June 1896.

The District Judge is requested to explain
how it was that he sat in Court in June on
only 17 days for only 3 hours a day and in May
on only 16 days for about 4 hours a day. If it
was for want of work, he should have relieved
the Sub Judge of some of his work.

(True Extract)

Signed/ D. W. G. Cowie
Registrar

(True copy)

H. S. [Signature]

Dist. Judge.

Proceedings of the High Court of Judicature at Madras
22^d September 1896.

Read again:—

Statements of sittings submitted by the District and Sessions Judge of South Canara for the months of May and June 1896 and the explanations called for in the Proceedings of this Court, Reference on Periodical No 14 of 1896, dated 31st July 1896.

Order:— The District Judge is informed that the High Court expects and desires him to sit in Court at least 5 days a week—Sundays and sanctioned holidays alone being excepted.

(True Extract)

Signed/ D. W. G. Bowie
Registrar.

/True copy/

H. Joseph
Dist: Judge.

Enclos No 4 to a letter No 2497
Ref on Cior No 2318/97. 31.8.98.
10

Proceedings of the High Court of Judicature
at Madras.

15th November 1897.

Read the following Statements submitted
with reference to High Court's Telegram dated
12th October 1897:-

the
Statement dated 13th Ultimo from
the Ag. District Judge of Mellore (1) show-
ing the Original and Appeal Suits trans-
ferred to and disposed of by the Subordi-
nate Judge of Mellore from January to
October 1897 and (2) the original and
Appeal suits pending for disposal and
disposed of during the above period.

2. Comparative Statement from the
District Judge of South Canara show-
ing the state of the file during the first
three quarters of 1896 + 1897.

The Government has been addressed
requesting sanction for the continuance
of the Subordinate Judge's Court of South
Canara at Mellore for a further period
of four months from January 1898.

2. Meanwhile the High Court con-
gratulates the District Judges and the
Subordinate Judge concerned on the good
work they have done during the past
nine months.

(True Extract)
(True copy) (Signed) D. W. Cowie
H. J. Jones Registrar

Ref: on Per No 57 of 1898
High Court of Judicature, Madras
11th March 1898

From

A. L. Hannay Esqre,

Registrar of the High Court of Judicature
Madras

To.

H. G. Joseph Esqre

District Judge of South Canara

Sir,

With reference to the return of
sittings submitted by you for January 1898, I am
directed to request that you will be good enough
to explain why the average length of your daily sit-
tings in Court was only 4 hours and to state that,
if it was from want of work, it will go to show
that you can do without a sub-judge which is
what the High Court believes to be the case.

I have the honour to be,
Sir,

Your most obedient servant,
Signed/ J. T. Gillispie
for Registrar.

/True copy/

H. G. Joseph
Dist. Judge.

Proceedings of the High Court of Judicature
at Madras.

28th April 1898.

Read statements of sitting submitted by
the District and Sessions Judge of South Canara
for the 1st quarter of 1898 and his letter No 995,
dated 28th March 1898, submitting explanations
as to his short sittings called for in High Court
Reference letter on Periodical No 57 of 1898, dated 11th
March 1898.

The marginally noted statement exhibits
Mr Joseph's sittings for the 1st quarter. The number
of days on which he sat during the quarter was
the minimum number and the average duration
of his sittings not much more than half of what
they should be. It is only, when he is called on for
an explanation in regard to his short sittings in
January that he now informs the Court that his
short sittings in February and March were due to
his ill-health. But he justifies his short sittings
for only an average of 4 hours a day in January as
being all that he can efficiently perform. He is,
therefore, informed that, if he is not able to sit in
Court, on the days on which he does sit, 5 or 6 hour
a day, as the rules of Government require and as
other Judges do, he should inform Government of
his inability: so that he may be relieved from the
work expected from a District and Sessions
Judge and given other employment. Otherwise

Month.	Number of days in which the Judge sat in Court.	Average length of daily sittings in Court.
January	20.	4 hours.
February	18.	3 hours 15 minutes.
March	23.	3 hours 30 minutes.

ne High Court will have to report him to
Government for disobedience of their orders.

(True Extract)

Signed/ A. L. Hannay
29.4.98

Registrar.

True Copy

H. G. Joseph

Deputy Registrar

Current 2085

13

District and Sessions Court,
South Canara 31st August 1898
No 2497.

From

H. G. Joseph Esq.,
District & Sessions Judge,
South Canara.

To

The Chief Secretary to Government,
Fort St. George,
Madras.

Through the Registrar of the High Court of
Judicature, Appellate Side,
Madras.

Sir,

Enclosure A

As directed in the accompanying
Proceedings of the High Court dated 28.4.98,
I have the honour to submit to Government
my reasons for holding that it is not compatible
with efficient work (at least as I am accustomed
to work) to extend the average actual time spent
in "sittings" on the Bench to more than 14
hours in 5 days in each week - I mean as a
continuance. During Sessions and on other
occasions when continued sittings are required
I sit normally six hours a day - and often
more when it seems to me desirable for the
disposal of the cases before me.

2.

This question was first raised in
High Court Proceedings dated 31.7.96 (Callin)

an explanation of short sittings). My reasons
 are set out in my reply to that Proceedings
 to 31.8.96 which I venture to embody in
 is letter.

2 First

As to the suggestion of want of work.

I had not been conscious of any
 falling off, or deficiency, either in the work
 posted or that turned out since my return
 from my recess. On examining the records
 for the purpose I find that the work done
 was

In May 1896 18 working days.

Read Posted Heard Remarks.

Sessions Cases		11.	11.	
Civil Regular Appeals	69	38	26	
Criminal Appeals	"	9	9	
Civil Mis: Appeals				
Original Suits	3	1	1	
Petitions { Civil		63	69	Including Record Petitions requiring Judge's orders
Criminal Revision &c		2	2	
Calendars	74			
Do. Records called for & perused	3			
Papers received	790			

In June 1896 25 working days.

Read Posted Heard Remarks

Sessions case		1	1	
Criminal Appeals		8	8	
Civil Regular Appeals	30	82	75	
Civil Mis: Appeals	"	1	1	
Original Suits	"	2	1	
Petitions { Civil		111	95	
Criminal Revision &c		1	1	
Calendars	42			
Do. Records called for & perused	2			
Papers received	459			

If this is considered insufficient by the
 High Court I will increase the amount of work
 posted. I am not sure that I can increase the
 amount turned out.

3. On the point of relieving the Sub Judge
 as I found on my return from my recess
 that the arrears had been cleared off (and the
 administration of the Court was likely to be
 very quickly improved under my new Sherist
 dar) I stopped the usual practice of sending
 to the Sub Court half of the Appeals filed
 and have since then posted them all in
 my own Court (except a few for special reasons
 sent to the Sub Court). I had arranged to go
 out on a tour of inspection in the second

of the next month, September, and if
at the end of that month (the 3rd Quarter)
found that the file of the Sub Court was
all congested to withdraw from that Court
some of the Appeals already sent there."

4. If these returns are intended as a
test of work done, I would most respectfully
suggest that they are - in the present instance
at any rate - wholly fallacious for such a
purpose. The Court and my own quarters are
here so close together that all the work except
the time actually occupied in taking evidence
and hearing counsel is done, without any in-
convenience to the officials of the Court
and with much greater efficiency on my part,
in my own house.

The time actually spent on the Bench -
which is what is shown in these returns - re-
presents about $\frac{1}{4}$ of the actual work done."

5. Second

With regard to the figures shown
in the return for May and June.

During Sessions (for which one week
is reserved in each month) I sit continually.
After that I post work (for 2 days) on Mondays,
Wednesdays and Fridays, the intermediate days,
Tuesdays, Thursdays and Saturdays being occupied
in

(1) Perusing the records of the work posted for
the following day.

(2) Reperusing records of the work of the past
day

day and writing judgments.

(3) All revisional work 15

(4) All the heavier administration work.

Thus - deducting in each month
(which we may take as 30 days) 4 Sundays and
6 days for Sessions - this leaves 20 days (or 10
sittings) so that the average number of sittings
per month would be 16 or 17.

In May out of 18 working days there
were 16 sittings. This was due to the unusual
length of Sessions.

In June there were 17 sittings

The hours of sitting in June were
short owing to the facts

(1) That the Session was very short one
(only one case).

(2) That for the last two months (June
and July) I have been suffering from a
dysenteric attack (which I find great
difficulty in shaking off in this damp
climate) which has prevented my sitting
on several days when I should otherwise
have done so (though it did not cause
adjournment of the work beyond the day)
and has necessarily made me curtail
the hours of my actual sittings on the
Bench as far as was compatible with
the discharge of my duties."

In reply to this I received Proceeding
of High Court dated 22.7.96.

From that forward in deference to
the desire and expectation expressed by the

High Court I have posted work for 5 days in every week - except during sessions, when as above explained I sit continuously until the sittings for the sessions are concluded.

In the year 1897-98, as Government may remember, the Sub Judge of this Station was temporarily withdrawn and the work of both Courts thrown on me.

At the close of the Third Quarter after calling for information as to the state of the files the High Court were pleased to pass Proceedings dated 15. 11. 97 - Ref on Cur: No 2318 of 1897 - Congratulating me on the amount of work turned out: And I may say myself that both I and all the officers of my Court made an especial effort to try if the work of both Courts could be managed by a single Judge and staff as the High Court supposed without the accumulation of arrears.

And I would here mention that I must again protest against the conclusion arrived at by the High Court in their letter of 28th April 1898 printed in G. O. No 750 of 11. 5. 98 viz that after another year the work of both Courts can be carried on by a single Judge.

It will be no more feasible than it was in 1896-97.

In March of this year 1898 I received letter from the Registrar of the High Court again calling for an explanation as to the

10
average length of my sittings. To this I replied in a letter dated 28. 3. 98 as follows:-

"In reply to your letter Ref on Per: No 37⁹⁸ dated 11th March 1898, calling for explanation of "Short sittings" in January, I have the honor to inform the Honourable Judges that the figures in this return show no diminution in the work done from that in the past year. The difference is due only to compliance with the change made in the requirements for filling up this form in Circular No - Ref on Per No 12⁹ dated 3rd November 1897.

" 2 The determination of the length of my sittings is not any want of work but the fact that I have found that with an average of more than four hours' actual hearings it would not be possible to efficiently get through all the other work-

Preparation of cases: writing judgments: and miscellaneous and Criminal and execution work; as set out in detail in my letter No ¹⁷⁰²_{31. 8. 96} which falls to a District and Sessions Judge."

" 3 In February my sittings were something less than in January owing to the fact that through ill-health I was on several occasions unable to sit at all: and the same remark will apply to the sittings in March."

It is on this letter that the Proceedings in compliance with which I am now working were passed.

better work in the Judicial Service,
specially after 5 years more employment
solely in that line, I do not think that
such relations with ones immediate superi-
ors can be conducive to good work. On the
Revenue Side I shall serve Government with
diligence, as I have always done, and with more
satisfaction to myself.

I have the honour to be
Sir,
Your most obedient servant

He. [Signature]

District & Session Judge.

1898
2nd
Page No. 6
3867

Ref on Per No 122 of 1898

Proceedings of the High Court of Judicature at Madras
22^d August 1898.

Read Statement of sittings from
the District and Sessions Judge of South
Canara for the month of July 1898.

The High Court observes that
'unavoidable deficiency of civil work' in
South Canara seems to mean defective
arrangement in the posting of cases.

/True Extract/

Signed/ A. L. Hannay
23.8.98

Registrar.

/True copy/

He. J. J. J.

Dist: & Sess: Judge.

No 2476.

20 District & Sessions Court
South Canara 27 August 1899

From

The District and Sessions Judge of
South Canara

To.

The Registrar of the High Court of
Judicature, Appellate Side,
Madras.

Sir,

With reference to the High Court
Proceedings Ref on Per No ¹²²₉₈ dated 22. 8. 98
I have the honour to state that the cause
of deficiency of civil work was not due to
defective arrangement in posting but to the
necessity for adjournment of some of the
appeals posted owing to death of parties
coming to the notice of the Court too late
for any other appeals being posted in their
places.

I have the honour to be
Sir

Your most obedt Servt
Signed H. G. Joseph
Dist: & Sess: Judge.

/ True copy /

H. G. Joseph
Dist: & Sess: Judge.

No. 2566

From

H. G. Joseph Esq.,
District and Sessions Judge,
South Canara.

To

The Chief Secretary to Government,
Fort St. George,
Madras.

Through the Registrar of the High Court of
Judicature, Appellate Side,
Madras.

Sir,

In continuation of my letter
No. 2497 dated 31st ultimo - I beg to submit
copies of correspondence as per margin

Proceedings of the High Court
Ref on Per No. 122 dated 22.8.98.
(2) My reply to it No. 2476 dated
27.8.98.

as a further
illustration of the

sort of correspondence likely to be generated
by the attempt to enforce such an

as referred to in the
letter quoted.

order; and of the style in
which the highest Court

of Judicature in the Presidency at present
thinks it fitting to address in public or
correspondence the Heads of the Courts im-
mediately subordinate to itself.

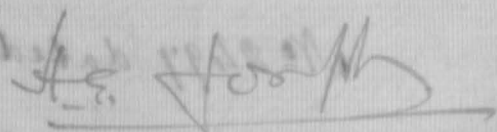
On

On the presumption, unfortunately only too often justified by fact, that "bullying will produce lying" - an attempt is made to enforce an accusation of "shirking" by an imputation of misconduct still more disgraceful - at least among gentlemen - and I do not think the fact that both parties to official correspondence are presumably such need be entirely merged in the fact that they are also servants of Government.

I have the honour to be

Sir,

Your most obed^t Serv^t



District & Sessions Judge

6
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[Faint, mostly illegible handwritten text, possibly a draft or a copy of a letter.]

1898
251
13-9-98
C 20363

Ref. on Cur. No. 2085.

23 Jan C No 3867
Confid C No 427
High Court of Judicature, Madras.
13th September 1898.

From

A. L. Hannay, Esquire,

Esq.,

Registrar of the High Court of Judicature, Madras.

To

THE HON'BLE MR. G. Stokes,

Chief Secretary to the Government of Madras.

HON'BLE SIR,

J+K

C 203634 N m
the white case (on
13-9-98)

I am directed by the High Court to forward two letters addressed to Government by Mr. H. G. Joseph, I. C. S., District & Sessions Judge of South Canara, dated 31st August and 3rd September 1898, Nos. 2497 & 2566, respectively, referring to matters which have already been dealt with in High Court letter, Ref. on Cur. No. 2085/98 dated 30th August 1898, and in doing so I am to state that the High Court has no observations to make upon communications couched in the terms of Mr. Joseph's letters.

I have the honour to be,
Sir,

Your most obedient servant,

A. L. Hannay
13/9/98
Registrar.

5249.

Judicial
Public (1898)²⁴ Department.

CURRENT No. 4/97



Order

From

The Registrar,
High Court of Judicature
Madras

Refoneat No. 2085798

Dated 6th October 1898.

Received

Registered

Enclosures (1)

Spare copies

SUBJECT.

Forwarding a statement of
work done by Mr. E. G. Joseph as
District and Sessions Judge of
South Canara in the months of
January to March and June to August
1898.

BACK PAPERS.

G.O.	No.	Department.	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

disposal, disposed of and pending and petitions and Court of South India (1898).

25

Criminal Work.												
Pending		Remarks.		Petitions Disposed of.		Appeal and Revision Cases.		Remarks.				
Total	Pending for more than 3 months			Discretionary appeals disposed of.	Execution.	Miscellaneous.	Separate Cases disposed of.	Disposed of.	Pending.			
163	18	Dismissed 13	Under 500 5	1	3	134	3	15	8	3	8	
153	25	2	5	1	6	110	1	9	5	3	2	
146	8	1	5	1	17	140	8	8	7	2	4	
146	8	"	"	1	"	20	"	1	"	1	"	
204	59	"	"	1	6	67	8	18	13	4	6	
160	40	2	10	1	1	72	2	18	5	6	4	
148	41	3	14	1	3	75	2	8	5	3	2	
		Transferred 24										
		Withdrawn 1		7		36	618					

and under Section 551. and 430 without trial. and also all those pending disposal or trial.

Signed J. K. Hammett.
Acting District & Sessions Judge
S.C.

of the Judicature at Madras.
No. 2086, dated 16 September 1898.
1 June 1899.

a. L. Harnay.
Deputy Registrar
1/6-98

Statement shewing the number of suits and appeals
Criminal cases disposed of in the District and Sep.
26

Civil Work.													
Ordinary and Summary Suits.											Small Causes.		App.
1898	For disposal	Disposed of		Pending	Pending for more than a year.	Remarks.	For disposal	Disposed of		Pending	For disposal	Disposed of	
		Uncontested	Contested					Uncontested	Contested			Uncontested	Contested
January	69	5	3	51	15	8 plaints returned under J. R. 20 head: 289 and 2 suits dismissed for default.	.	.	.	.	192	5	2
February	62	2	1	56	13	2 Plaints returned as above and suit abated.	.	.	.	.	196	6	3
March	64	.	4	60	12	3	.	.	.	.	170	7	2
April	60	.	.	60	12	5	.	.	.	.	146	.	.
June	73	4	2	67	14	8	.	.	.	.	204	.	.
July	67	.	.	4	.	63 transferred to Sub. Court.	.	.	.	.	224	10	2
August	4	.	.	4	.	7	.	.	.	.	188	7	.
						216	63	7	1				

(a) out of the 7 Mis: appeals, 4 are contested, 2 uncontested
(b) out of 618 mis. Pet. 96 are with contest, 92 without
N.B. under the head "For disposal" cases instituted in the month

District Court of South Canara, }
Mangalore. 27 September 1898. }

High Court of Judicature, }
Madras, 6th October 1898. }

To, The Registrar
High Court
with reference

CURRENT NO. 4197

27

High Court of Judicature, Madras.

6th October 1898.

Ref. on Cur. No. 2085.

From

A. L. Hannay, Esq.,

Registrar of the High Court of Judicature, Madras.

To

THE HON'BLE MR. G. Stokes,

Chief Secretary to the Government of Madras.

HON'BLE SIR,

With reference to G. O., No. 1961, Judicial, dated 13th September 1898, I am directed to forward the return therein called for regarding Mr. H. G. Joseph's work as District and Sessions Judge of South Canara. Contested and uncontested cases disposed of have been distinguished.

I have the honour to be,

Honourable Sir,

Your most obedient servant,

A. L. Hannay

Registrar.

Good Sir

JUDICIAL

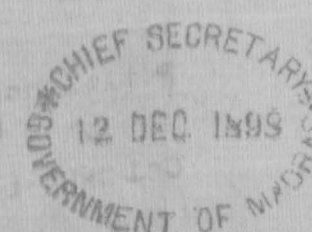
Public

(1898)

28
Department.

CURRENT No. 5184

R1592/98



From

The Registrar of the
High Court of Judicature,
Madras.

Order

Refon^{ce} No. 2083-

Dated 8th December 1898.

Received 12th — —

Registered 13th — —

Enclosures 2

Spare copies

SUBJECT.

Forwarding copies of papers
asked for in G.O., R. No. 1592,
Judicial, dated 2nd December 1898.

S
13.12.98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

29

DISTRICT AND SESSIONS COURT

South Canara,

31st August 1896.

No. 1702
96

From

The District and Sessions Judge,
South Canara.

To

The Registrar of the High Court of Judicature,
Madras.

SIR,

In reply to the Proceedings of 31-7-96 (Reference on Per. No. 14 of 1896) I have the honour to explain

2. FIRST.

As to the suggestion of want of work.

I had not been conscious of any falling off, or deficiency, either in the work posted or that turned out since my return from my recess. On examining the records for the purpose I find that the work done was

IN MAY 1896.

18 WORKING DAYS.

	Read	Posted	Heard	Remarks.
Sessions Cases.		11	11	
Criminal Appeals.		9	9	
Civil Regular Appeals.	69	38	26	
Original Suits.	3	1	1	
Petitions (Civil.		63	69	Including Record Petition requiring Judges orders.
Criminal Revision &c.		2	2	
Calendars - - - - -	74			
-Do- Records called for and perused.	3			
Papers received - - -	790			

IN JUNE 1896.

25 WORKING DAYS.

	Read	Posted	Heard	Remarks
Sessions Cases.		1	1	
Criminal Appeals.		8	8	
Civil Regular Appeals.	30	84	75	
Civil Mis. Appeals.		1	1	
Original Suits.		2	1	
Petitions { Civil.		111	95	
{ Criminal Revision, &c.		1	1	
Calendars.	42			
-Do- Records called for and perused.	2			
Papers received.	459			

If this is considered insufficient by the High Court, I will increase the amount of work posted. I am not sure that I can increase the amount turned out.

3. On the point of relieving the Sub. Judge — as I found on my return from my recess that the arrears had been cleared off (and the administration of the Court was likely to be very quickly improved under my new Sheristadar) I stopped the usual practice of sending to the Sub-Court $\frac{1}{2}$ of the Appeals filed and have since then posted them all in my own Court (except a few for special reasons sent to the Sub-Court). I had arranged to go out on a tour of inspection in the second half of the next month, September, and if at the end of that month (the 3rd Quarter) I found that the file of the Sub-Court was at all congested, to withdraw from that Court one of the Appeals already sent there.

4. If these returns are intended as a test of work done, I would most respectfully suggest that they are — in the present instance at any rate — wholly fallacious for such a

30

purpose. The Court and my own quarters are here so close together that all the work except the time actually occupied in taking evidence and hearing Counsel is done, without any inconvenience to the Officials of the Court and with much greater efficiency on my part, in my own house. The time actually spent on the bench — which is what is shown in these returns — represents about $\frac{1}{2}$ of the actual work done.

5. SECOND.

With regard to the figures shown in the return for May and June.

During Sessions (for which one week is reserved in each month) I sit continuously. After that I post work (for 2 days) on Mondays, Wednesdays and Fridays, the intermediate days, Tuesdays, Thursdays, and Saturdays, being occupied in

(1) Perusing the records of the work posted for the following day.

(2) Reperusing records of the work of the past day and writing Judgments.

(3) All revisional work.

(4) All the heavier administration work.

Thus — deducting in each month (which we may take as 30 days) 4 Sundays and 6 days for Sessions — this leaves 20 days (or 10 sittings) so that the average number of sittings per month would be 16 or 17.

In May out of 16 working days there were 16 sittings. This was due to the unusual length of the Sessions.

In June there were 17 sittings.

The hours of sittings in June were short owing to the facts

(1) That the Session was a very short one (only one case).

(2) That for the last 2 months (June and July) I have been suffering from a dysenteric attack (which I find great difficulty in shaking off in this damp

...te) which has prevented my sitting on several days when
should otherwise have done so (though it did not cause adjourn-
ment of the work beyond the day), and has necessarily made
curtail the hours of my actual sittings on the bench as far
as was compatible with the discharge of my duties.

I have, &c.,

Sd/- H. G. Joseph,
District and Sessions Judge.

(True Copy.)

High Court of Judicature,
Madras, 8th December 1898.

A. L. Hannay
10/12/98
Registrar.

31
DISTRICT AND SESSIONS COURT,

South Canara,

26th March 1898.

No. 955.

From

The District and Sessions Judge,
South Canara.

To

The Registrar of the High Court of Judicature,
Appellate Side, Madras.

Sir,

In reply to your letter, Ref. on Per. No. 57 dated 98
11th March 1898, calling for explanation of "short sittings"
in January, I have the honour to inform the Hon'ble Judges
that the figures in this return show no diminution in the
work done from that in the past year. The difference is due
only to compliance with the change made in requirement for
filling up this form in Circular No. Ref. on Per. No. 127
97
dated 3rd November 1897.

2. The determination of the length of my sittings
is not any want of work but the fact that I have found that
with an average of more than four hours' "actual hearings"
it would not be possible efficiently to get through all the
other work—preparation of cases, writing judgments, and
miscellaneous, Civil and Criminal, and executive work, as set
out in detail in my letter No. 1702 31.3.96 — which falls to a
District and Sessions Judge.

3. In February my sittings were something less
than in January owing to the fact that through ill-health I

was

1898

2nd

2

5794

was on several occasions unable to sit at all: and the same
mark will apply to the sittings in March.

I have, &c.,

Sd/- H. G. Joseph,
District and Sessions Judge.

(True Copy.)

High Court of Judicature,
Madras, 8th December 1898.

A. L. Hannay
10/12 98
Registrar.

CURRENT NO. 5184

32

High Court of Judicature, Madras.

8th December 1898.

Ref. on Cur. No. 2085.

From

A. L. Hannay, Esq.,

Registrar of the High Court of Judicature, Madras.

To

THE HON'BLE MR. G. Stokes,

Chief Secretary to the Government of Madras.

HON'BLE SIR,

With reference to G.O., R. No. 1592,
Judicial, dated 2nd December 1898, I am directed to forward
herewith copies of (1) the explanation submitted by Mr. H. G.
Joseph, referred to in the heading of High Court Proceedings
No. 609, dated 22nd September 1896 and (2) Mr. Joseph's letter
No. 955 (not 995) dated 28th March 1898.

I have the honour to be,

Hon'ble Sir,

Your most obedient servant,

A. L. Hannay
10/12 98
Registrar.

Code
Class.

INDIAN  TELEGRAPHS. Monthly
Number.

To
(Office)

Telephone

From
(Office)

message

Words

Day

Hour

Minute

Official
Instructions

1/4

1/4

23

To
(Person)

Under Secy Judg Dept

From
(Person)

Rajshah High

Your telephone message of today
The return is intended to show
the number of hours actually
spent upon the bench in the
disposal of cases and not the
time spent in chambers and
elsewhere -

9/4 12 29/8

Recd. from

At

Sent to

LN.

At

Hrs.

Mts. by

At

Hrs.

Mts. by

Telegraph Master.

H.M. & Co

C. No. 3634 From the H.C.

3067 Mr. Joseph

4187 H.C.

5184 do

For order

Mem. but which contains
of the with reference to
the order by the Hon. Sec.
Amend approved by H.C.

173.1.1

Sum H.C.
28-1-99

Immi.
H.
24-1-1

3X C16-12-98 C201-99
R17-12-98
C24-1-99
R30-1-99

189
189
189
189

Current no 3634 is a
letter from the High Court
reporting Mr. Joseph for
wilfully disobeying the
orders of the Court.
Cur. 3067 is a letter from
the High Court forwarding,
without comment, two
letters from Mr. Joseph on
the subject of the High
Court's treatment of him.
The delay in submitting
these papers for order
is regretted. The High Court
first letter was received
on Sept. 1st. It having to
found in a previous case

it of Dr. A. Thompson, that
 is statistics of work done did
 it support the High Court's
 complaint, it was highly
 necessary to ascertain exactly
 how Dr. Joseph's file stood.
 Meanwhile Dr. Joseph's letters
 arrived on Sept. 16th. The
 correspondence submitted with
 them showed that Dr. Joseph
 had submitted two explanations
 to the High Court. There it seemed
 necessary to have a draft
 then written calling for them
 to be prepared & passed by the
 C.S. After waiting some weeks
 steps were taken to have a
 reminder to the High Court.
 It was then found that the
 previous O.C. had not arrived.
 With the original & the fair
 copy the missing. The
 letter is under copying in the
 office. A second O.C. was
 then issued, & the necessary
 papers have now been
 received.

Taking first the
 High Court's complaint

It is pointed out that
 under rules issued by the
 High Court, and approved
 by Govt. in G.O. 18 Jan
 & 9/1/83, Dist. Judges
 are expected to
 sit from 11 am. to 5 pm.,
 with an interval for
 luncheon - this is to say
 for 5 or 5 1/2 hours a day.
 Dr. Joseph's sittings during
 his early months of his
 present year amounted, as
 is said, to far less than
 this, averaging only 4
 hours in January, 3 1/4 in
 February, & 3 1/2 in March.
 In this letter would be
 be called upon for his
 explanation. The High
 Court remarked that if
 his short sittings were
 due to want of work
 it would appear
 strange that
 without a
 Dr. Joseph
 there was

* Letter of
 28/3/53

ing off in, work. but
the the apparent decline
the average time of sitting
is due to the fact that
the instructions for filling
up his monthly return
had recently been altered,
by High Court's Circular
d. 3/12/57) so that the
sitting included only time
actually spent upon the
bench in the disposal
of cases, and did not
include time spent on
work done in chambers
or elsewhere. Allowing
for this time taken up
in the preparation of
cases, writing of judgments,
miscellaneous Civil,
Criminal, and Executive
work, four hours a day,
as he said, all that
with he could spend
on his bench. He
that in the
the of his year
had not

*No copy of the Circular
is available, but its
terms are explained in the
Reg's telephone at VII.

Proceedings,
d 27/4/58

been good, & this has
reduced his sittings.
The High Court is
that if Mr. Joseph was
unable, in the days when
he does sit in Court, to
for more than four hours,
he should inform Solicitor
his inability to do so,
which he may be relieved
of the work expected of
a Dist. Judge, and be
given. This employee
failing this he would,
High Court said, be
expected to go for
disobedience of orders.
Mr. Joseph's sittings continue
to be less than the minimum
required by the High Court
and the matter has
accordingly been referred
to Solicitor.
It will be seen
dispute between
Court & Mr. J.
hours upon
unimportant

Mr Joseph is
 stipulated in creating
 at his own expense
 chambers and a reading
 and a papering cases
 may fairly be considered
 as part of the work done
 during office hours. The
 High Court has not
 discussed Mr Joseph's argument
 on this point, beyond
 remarking that the
 judges spend five or six
 hours on the bench. The
 rule framed in 1883
 says it is submitted, intended
 to prescribe the time which
 a judge should ordinarily
 spend on his work -
 eleven to five are the

I do not think so. The
 language is perfectly
 clear & the reason for
 imposing the rules is
 giving in the Registrar's
 covering letter.
 MB

ordinary office hours, and in my experience I found that
 it can hardly have been his intention to stop at five
 and intended that all
 miscellaneous work, the bench. If civil appeals had been
 the writing of heard it was necessary to go the
 should be the usual in every case before it
 eleven or was taken up. If this were done
 the High Court 10 cases it be fit this an an
 average - day - but the work

at least 3 hours more.
 The writing of a judgment is
 a heavy business case takes
 many hours. Then I think
 we must add at least 2
 hours a day to a judge sitting
 time i.e. the time he is actually
 sitting on the bench under the
 High Court calculation of it he
 desired to get at the time he
 gives to his work.

15.12.98.

very likely - but this
 is not the question now
 at issue - wh. is Mr
 Joseph's disregard of
 the rules. MB

It is not done nearly
 as well as I know for I find
 writing judgments on the bench

when it attend its
 as to the meaning of
 term sitting, still retain
 the same minimum
 prescribed in the rules
 1883, appears to have
 overlooked this point
 whether a judge writes his
 judgments in his own
 house, or actually sitting
 upon the bench, is, it is
 submitted, a matter of
 small importance. It
 would seem desirable to
 leave it to each judge to
 do what he thinks best
 but apparently, as the
 High Court finds Mr
 Joseph's conduct to be
 the result of it orders
 of Nov 3rd 1897 regarding
 the meaning of the
 word "sitting" has been
 to make other judges
 actually on the bench
 work that they
 do at home
 chambers. It

supposed that all
the judges do all their
miscellaneous work after
office hours. The High
Court in its letter assumes
that Mr. Joseph had
not enough work to do.
This argument is not
supported by Mr. Joseph's
letters, and it ignores
altogether Mr. Joseph's
point.

The real criterion in this
matter is the state of
Mr. Joseph's file. The
statement prepared by
the High Court shows
that Mr. Joseph's work
went up to the average of
Dr. Judges. Taking first
ordinary suits, Mr. Joseph
disposed of eleven in
January & February. The
average number per year,
calculated from statement
headed to the
(Justice's report)
Court is 25.

* The Dist. Court, which had
been transferred to
Nellore, was retransferred
to Mangalore in July 1895.

* The average at Mr.
End of August was 148,
against 163 on the
first of January.

38.
9
So this Mr. Joseph's
in these months was
above the average. The
same may be said of
Kanchi, in which four
contested suits were
disposed of. His original
suits were decided in
April, probably because
the rains began early in
that month. June again
shows a good average.
After that all the original
suits were transferred to
the Dist. Court, Angich
does not appear.

Under appeals, Mr.
Joseph, in the first three
months, when his health
was bad, disposed of
an average of 34 per
hundred. The average of
all Dist. Courts is 40.
In July & August he
disposed of 38 and
respectively.

Under cases
petition in.

to the end of August
of 610 petitions,
a year for a year in
the Dist. Court is less than
100.

Dr. Joseph's session work
was small. He tried 24
cases, the average number
per year in all Districts
being 56. He heard
however 77 criminal
appeals & revision cases
up to August, the
average number per
year per district being
90. It

The above figures show,
it is submitted, that the
quantity of work handled
out by Dr. Joseph was
hardly, if at all, below
the average of other judges.
The matter therefore reduces
itself, as already suggested,
to a discussion as to
the miscellaneous work
to be done on or off
the bench. There is nothing

39
to suggest that Dr. Joseph
is not capable of making
the work of a District Judge

Dr. Joseph's letter (con-
to 3067) purporting to be
written in explanation of
the High Court's suggestion
in its proceedings of 27/4/98
that he should explain
to the High Court his reasons for
saying that he could not
make his "sittings" more
than four hours a day.
Dr. Joseph explains the
basis of the High Court's
proceedings. He specially
draws attention to the
passage in the proceedings
of 27/4/98 in which it
is remarked that "It
is only when he is called
on for an explanation
in regard to his short
sittings in January
he now informs
Court that his
sittings in 7

me to his ill-health.
Joseph reports this as
a misimpression that his
name was untrue, & who
with Dr. Henney, and
his medical attendant,
should be referred to
regarding his ill-health.

Dr. Joseph in his second
letter explains of the
Hqs. Court proceedings
of 22/0/90, in which in
reply to Dr. Joseph's explanation
that short work in July
was due to "inevitable
deficiency in civil work", the
Court remarked that this
seemed to mean defective
arrangement in the posting
of cases. Dr. Joseph stated
that the deficiency was
due to the death of parties.
Dr. Joseph explains that
the proceedings are not
sent confidentially.
Joseph concludes that
the Court is the
it are not confidential

The H.C. seems to have
departed from its usual
practice in this, but even
one in Mangalore, attached
to the Court, must have known
that the Court was deliberating
on the subject.

But Mr. G. says (and I am in the
same mind) that the Court is not
deliberating on the subject.

to good work, and
expenses & with to
employed in the Rev.
Dept. I. making this
report Dr. Joseph up
to the decision of S.C. in
34 Jan. d. 21/1/93, that he
should consider himself
permanently attached to the
Judicial Dept. This decision
was apparently arrived at
on a consideration of his former
action in the Kumbakonam
cases in 1889 (see file X
and X in B.O. 57 of '90,
book file) Dr. Joseph reports
that decision as a mis-
take & considers that the Judicial
Dept. suits him best, but
is lost by the circumstances
to which he now calls
to ask for a transfer to
Revenue Dept.

Orders are requested

AK
14/12/93 Mr. Joseph
is present

In sample file

of stimulus which the
 it is applying in this matter
 it answers very well with
 and life is not fitted for
 attention to that judge. As he
 to out a system of "hours"
 are suitable. In fact Mr. Joseph
 in the working as much as
 in judges for he does from 5/6
 of hours a day, which is what
 High Court say this judge do.
 files are as clear and the work
 kept as much up to date
 is necessary or as is done elsewhere.
 seems difficult to support
 High Court in the matter but
 Mr. Joseph is not likely to
 go to Canada for the reason
 maybe possible to let the
 the ^{last} as far as he is concerned
 and ask the High Court
 then the Sub Court. c^d be
 and experimentally in regard
 with this law then an answer
 had provided.

15/12/88

It really can hardly be
 called a great hardship that
 a judge should be required to
 attend Court 5 days a week
 for 5 hours a day H.P.

But not in the prescribed place
 H.P.

I am disposed to agree that
 the rules of 1883 are too
 rigid, and that high officers
 of Govt - viz. J. & less. judges,
 are treated somewhat as
 nakes w^d treated school-
 boys; but that is not the
 question at issue. Govt^r
 accepted & approved the
 rules & judges must obey
 them till they are altered.

I remember that some
 years ago the Sec. of ^{Govt}
 Govt^r to inform him how ^{many}
 hours per day the judges of the
 H.C. ordinarily sat. The H.C.
 persistently declined to answer
 the query! Sic vos non vobis!
 H.P.

The rules of 1883 do not
 exclude Saturdays, so
 that the H.C. has struck
 off one day to make
 the 5. H.P.

1. The requirement of the H.C.
 Court is that the District
 Judge shd. sit in C
 at least 5 days a week
 (Sundays & holidays except)
 and show an average
 5 hours a day -
2. Mr. Joseph says that he
 likes to do all his work
 (except taking evidence &
 hearing counsel) in his
 own house: that he works
 better at home; and that
 his sittings only represent
 one-quarter of the time he
 spends on work -
 His plan is (excluding
 sittings) to attend Court
 3 days a week for between
 3 + 4 hours a day -
3. I suppose the High Court would
 say that by a regular
 attendance at Court a
 Judge will soon acquire the
 gift of recording judgments
 immediately on the close of
 the hearing, while the facts
 fresh in the memory: that
 gift tends to the prompt
 despatch of business, & so
 prevents accumulation of
 arrears & I should say
 Some judges
 Sir. G. Parker;

and as Govt has
approved it - Rules
of 1883

yes
MA AAM

A.H.

the talent in a marked degree,
and reserve none but
intricate cases for consideration.

Much may be said
as to whether the High Court's
requirement is wise or
otherwise; but as they have
issued the order, that is
to be said of a subordinate,
who has so little sense of
discipline & subordination,
that he will not obey orders
requiring him to attend Court
for 5 hours a day five
times a week?

Mr. Joseph's resentment of the
order is, I think, foolish; and
the tone of his letter,
K, sent through the High Court,
is grossly improper.

I can see no ground for his
allegation that the High Court
has impugned his veracity,
or made any other imputation
of "disgraceful" conduct.

I think he shd. be called
upon to withdraw this
letter & to apologize to the
High Court for having
written it.

The G.O. may perhaps
run some what as
follows:—

for the letter is insulting
High Court. But I think
Mr. Joseph's draft is some-
too trenchant, and I suggest
modifications below, especially in
3 & 4. In the letter it seems
to make Mr. J. realize that
in writing the Govt he serves
himself. A.H.

that he was ignorant of the
rules of Govt on the subject,

MA H.S.

whatsoever
at the sacrifice of his
own views and
personal convenience;

Mr. Joseph has overlooked the rules
of the H.C. approved in G.O. no 18 Feb.
by G. H. James, 1883, but apart from
this it was his duty to yield a
ready obedience to the orders of the
Honorable the Judges of the H.C.
and failure in this respect is
viewed by Govt with displeasure.
Mr. J's offence has been enhanced by
the improper language of

2. Mr. Joseph urges in
justification of his disobedience
that he can write his judgments
& transact miscellaneous
business at his own house,

that he therefore (only) attends Court
to take evidence and
hear counsel.

3. Respect to constituted authority
should have led Mr. Joseph
to yield that ready obedience
to orders which subordination
and discipline require
and the Govt. views his
failure in this respect
great displeasure.

But the offence is
aggravated by the
improper language in
Mr. Joseph's letter addressed
to Govt, through the
Court, dated 3rd
no. 2566—

Suggested order

1. "The High Court bring to
that Mr. Joseph, District
Judge of S. Can.,
set at defiance their
direction that he should
attend Court for
five days in the week
(including Sundays &
holidays) for an average
of not less than 5 hours
a day—

...
 Home of the letter are without
 H.C. the 4. in C. regrets that an
 and the High Office of St. & less. Judge
 we forgotten what was due to the
 the the judges of the High Court unless
 himself & his position.
 ph. will be directed to withdraw
 in question with a full apology
 Hon. the Judges of the H.C. through
 he transmitted it.

...
 personally I like the
 septa, but I don't think
 would answer as
 objection - I must leave
 to H.C. to decide
 whether any substantive
 punishment is required.
 If he takes this warning
 well it will perhaps
 suffice, though the
 feelings of the High Court
 have been greatly
 outraged.
 To say that he has done
 a fair amount
 work at his own house
 to draw a red line
 across the track -
 is beside the question

MS
 16-12-90

the draft is approved
 by it. Shd be sent
 confidential. The apology
 and the letter
 public as the letter.

O.O. recommended by
 O.A.H.

The Govt. finds nothing
 in the Proceedings of the High
 Court to warrant Mr. Joseph
 in supposing that his
 veracity was impugned, or
 that he was charged with
 any "disgraceful" or "conduct"
 misconduct -
 The offensive language &
 tone of the letter stands
 wholly without excuse -
 Mr. Joseph will be
 directed to withdraw
 the letter, and to submit
 to the High Court a full
 apology for having
 written it. The Govt.
 would vainly hope that
 Mr. Joseph's ~~own~~ good
 sense will enable him
 to discern the grave
 impropriety of his attitude
 towards the High Court,
 and that the High Court
 will be prepared to accept
 the apology if tendered
 in a proper spirit -

It is Mr. Davies who so strongly insists
 the judges sitting so many hours on the
 bench, and he will consent to no change.
 When he goes on leave the judge who
 takes charge of the administrative work
 might be approached (in conversation
 first of all) with a view to a relaxa-
 tion of the rule.

MS 1.99. 1.99.

Copy of order drafted by H.C. Judicial

Read the following:-

C No. 3634.	from the High Court	Ref on case no 2055 & 30-8-9
3867	DO	13-9-
4197	DO	6-10-
5184	DO	8-12-9

Order No 2055 D/H-2

The High Court has
 to notice that Mr. Joseph
 while District Judge of
 South Banara, set at
 defiance their direction that
 he should as a rule attend
 Court for five days in the
 week (excluding Sundays
 holidays) for an average
 not less than 5 hours a
 day. Mr. Joseph urges
 justification of his disobedience
 that he is ignorant of the
 rules of Govt on the subject
 that he can write his
 judgments and transact
 miscellaneous work bet
 his own house, and
 he therefore att

to take evidence and
counsel.

Mr. Joseph has
looked the rules of the
Court approved in
No. 18 Judicial, dated
January 1883, but
it from this it was his
to yield a ready
evidence to the orders of
Honble the Judges
the High Court and
failure in this respect
viewed by Govt with
pleasure. Mr. Joseph's
manner has been enhanced
the very improper
language of his letter
addressed to Govt, through
High Court, dated
September 1898. A: 3566.

The Govt finds nothing
the Proceedings of the
Court to warrant
Joseph in supposing
his veracity was
proved, or that he
was mixed with any
"misconduct."

AA
The language and tone of the
letter are without excuse
and His Excellency the
Governor in Council regrets
that an officer holding
the high office of District
and Sessions Judge should
have forgotten what was
due to the Honourable the
Judges of the High Court
no less than to himself
and his position. Mr. Joseph
will be directed to withdraw
the letter in question with a
full apology to the Honble
the Judges of the High Court
through whom he trans-
mitted it.

AA
To The Honble the C. J. with C.L. (2 parts) } 1/1/99
H. G. Joseph Esq. Sec (P. part) } 2-4-99
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