M.R.O. 14—5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 321. 322	Press ~~Mis.~~
3—6	
Dated 24 . 3 — 1857.	

Not to be folded or roughly handled

321-22
24-10-29

No. 3. Read the following letter from the Honorable Sir C. W. RAWLINSON, Chief Justice, Madras; to the Right Honorable LORD HARRIS, Governor in Council, &c. &c. &c., dated 6th November 1856.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's letter of the 7th Ultimo, enclosing a letter from the Government of India.

As my opinion respecting the remuneration of the Officers of the Supreme Court by salaries instead of fees is substantially the same as it was in 1850-51, I perhaps, cannot do better than refer your Lordship to the Judges' letters of 6th November 1850 and 24th March 1851, in which the subject was fully gone into by us.

I regret that I am now quite as unable as I was then to propose any scheme for the payment of all the Officers of the Court by salaries, which may not involve an increased expenditure on the part of the Government, for though the business of the Court has been steadily on the increase during the last 4 years (see the Return marked (1) sent herewith) the fees to the Officers have not increased in a similar proportion. This result is I think attributable to the shortening of procedure introduced by the Equity Amendment Act, No. VI of 1854, and to other improvements, which have been made since 1850.

Other changes are impending and the reforms contained in the English and Irish Common Law Procedure Acts, so long required here, cannot I hope be much longer withheld from the Supreme Courts in India. It is impossible to prognosticate with any degree of certainty what will be the effect on the business and fees of the Court from these last mentioned changes.

In our letter of 6th November 1850, we remarked that before any substantial reform in the practice or the procedure of the Court could be effected "the Officer's salaries should be settled on a fair and reasonable footing." What the Judges have been prevented from doing by the claims of their Officers, the Legislative Council has done, and the consequence has been that claims for compensation on account of the loss of fees have been made by three Officers of the Court, viz. by the Examiner, the Master, and by the Registrar and Prothonotary.

I have at times entertained the hope, that had a vacancy occurred in either of the two chief Offices, viz. those of Registrar, or Master, or even in that of Clerk of the Crown, some scheme might have been framed for paying the chief Officers by salaries: but no such opportunity has presented itself.

However as I suggested in my letter of June last, the expediency of paying the Registrar and Prothonotary at all events by a salary, I have in an Appendix (A) to this letter drawn out a scheme, by which a salary may be secured to that Officer without much risk I think of increase of expense to the Government, and by which also his present and future claims to compensation may be got rid of.

It will be seen that by the plan proposed a further public benefit will be secured, that of making permanent the Office of Sheriff: at present little better than a highly paid sinecure, a measure which has been long in contemplation and for the carrying out of which a Draft Act was drawn and circulated as far back as the early part of 1852.

It will be seen also, that I have called in aid of the fund, out of which the Registrar's salary is to be paid, the amount formerly paid to the Counsel and Attorney for Paupers. The payments to these two last mentioned persons ceased with the concurrence of the Judges in 1851, at the time, when the proposal for paying the Officers by salaries was under discussion, I think therefore that that sum should clearly be credited to the fund now, as it was proposed to be in 1850.

As regards the last para. of your Lordship's letter, I have only to state, that I do not think that the present Registrar, &c. Mr. Serle, was appointed to his Offices on the contingency of his being subjected to such losses as he has complained of in his Memorial of May 1856.

He was appointed, I am informed, subject to such changes as might be made in the distribution of the Officers of the Court, and to his being paid by an adequate salary, in the event of the system of payment by fees being abolished.

I have to apologise for the delay, which has taken place in answering your Lordship's letter; but this has been chiefly owing to the length of time, which has been necessarily occupied in obtaining the Returns asked for in the 3rd para. of your letter.

These Returns are herewith forwarded.

(Signed) C. W. RAWLINSON.

P. S.—Mr. Justice Burton, who your Lordship is aware is only awaiting the arrival of his successor, has asked me to state, that under his present circumstances he prefers referring your Lordship to our joint letters of 6th November 1850, and 24th March 1851, to again writing on a subject on which he has no further remarks to offer.

Return shewing the number of Actions and Suits brought in the Supreme Court of Judicature at Madras from the 1st January 1853 to the 2nd October 1856; shewing how many of each have been brought to trial or hearing and the aggregate amount at issue in the cases heard or tried.
Also shewing the number of Probates and Administrations granted during the same period.

Year.	Plea Side			Equity Side and Admiralty sides.			Ecclesiastical and Admiralty sides.		
	No. of Plaints filed.	No. of Cases tried.	Aggregate amount at issue in the cases tried.	No. of Bills filed	No. of Suits heard.	Aggregate amount at issue in the Suits heard.	No. of Suits instituted.	No. of Suits heard.	Aggregate amount at issue in the Suits heard.
1853	147	17	67,700 0 0	17	7		2	1	It would be impossible to supply this information. The only matter at issue between the parties in an Ecclesiastical Suit being the validity of a Will, or the right of a party to administer to an Estate.
1854	185	47	308,352 0 0	18	7		6	0	
1855	290	75	885,734 11 6	19	4		1	1	
1856 (from 1st January to 2nd October.)	215	61	501,500 0 0	29	7		2	2	
Small Causes under Act IX. of 1850.									No Suits instituted on the Admiralty Side.
1853	323	227	40,794 3 5						
1854	319	220	38,286 2 10						
1855	434	261	52,065 5 3						
1856 (from 1st January to 2nd October.)	329	199	39,787 13 9						

	No. of Probates and Administrations granted.	
	Probates.	Administrations.
1853	43	70
1854	39	77
1855	46	94
1856 (from 1st January to 2nd October.)	25	38

(Signed) WILLIAM A. SERLE,
Registrar.

APPENDIX A.

Prothonotary and Registrar on the Equity, Ecclesiastical and Admiralty sides of the Court.

	Per Annum.
Proposed Salary...	25,000
For Office Expenses	4,000
	29,000
The average net Emoluments of the above Officer for the last 3½ years, ending 30th June 1856.... ...	18,982
Deficiency.....	10,018

Sheriff.

A permanent Officer at 1,000 Rupees per mensem with his present allowance, but without a Deputy...	12,000
Average of net Emoluments during the above 3½ years...	11,024
Deficiency... ..	976

Deficiency.....	10,018
	976
Total....	10,994

To meet this Deputy Sheriff's salary and allowances	3,208
Salaries to Counsel and Attorney for Paupers....	9,000
	12,208

	12,208
	10,994
	1,214—*Surplus.*

To *this* sum may be added any small *surplus* arising from the Causes tried under Act IX of 1850. Last year the suplus was 2,000 Rupees, but I should not think it safe to calculate on more than ½ that amount annually.

	1,214
	1,000 *Probable surplus.*
	2,214

Average Statement of Returns of the Officers of the Supreme Court of Judicature at Madras, from 1st January 1853 to 30th June 1856.

		Net Emoluments for 3½ years.			Average per month.			Average per year.		
		C. Rs.	A.	P.	C. Rs.	A.	P. Cts.	C. Rs.	A.	P. Cts
1	Master...	57,324	15	4	1,364	14	0 95	16,378	8	11 40
2	Registrar and Prothonotary... ...	66,440	0	11	1,581	14	5 97	18,982	13	11 64
3	Sheriff...	38,583	9	5	918	10	6 12	11,023	14	1 44
4	Deputy Sheriff...	11,650	6	0	277	6	2 86	3,328	10	10 32
5	Clerk of the Crown...	24,834	3	0	591	4	7 71	7,095	7	8 52
6	Deputy Clerk of the Crown... ...	7,350	0	0	175	0	0 0	2,100	0	0 0
7	Sealer...	10,819	8	10	257	9	8 82	3,091	4	9 84
8	Clerk to the Chief Justice... ...	13,187	4	9	313	15	8 78	3,767	12	9 36
9	Clerk to the Puisne Judge... ...	13,187	4	9	313	15	8 78	3,767	12	9 36
10	Tamil and Teloogoo, Chief Interpreter....	19,033	15	11	453	3	0 55	5,438	4	6 60
11	Tamil and Teloogoo, second do ...	12,259	7	11	291	14	3 40	3,502	11	4 80
12	Persian and Hindoostanee do	9,482	9	11	225	12	5 12	2,709	5	1 44
13	Armenian... do	4,249	2	0	101	2	8 57	1,214	0	6 84
14	Malayalum and Moplah do	4,618	4	0	109	15	4 0	1,319	8	0 0
15	Canarese... do	1,847	8	0	43	15	9 71	527	13	8 42
16	Portuguese... do	1,285	5	0	30	9	7 71	367	3	8 52
17	French... ... do	636	12	0	15	2	6 85	181	14	10 20
18	Dutch... ... do	1,126	6	0	26	13	1 14	321	13	1 68

(Signed) WILLIAM A. SERLE,
Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Master of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853...	6,300 0 0	9,280 7 1	15,580 7 1	1,555 12 0	14,024 11 1	
1854...	6,300 0 0	11,651 8 0	17,951 8 0	1,716 6 3	16,235 1 9	
1855...	6,300 0 0	13,170 8 0	19,470 8 0	1,788 3 9	17,682 4 3	
1856 (from 1st Jany. to 30th June.) ...	3150 0 0	6,265 8 0	9,415 8 0	923 12 9	8491 11 3 A 891 3 0	
Total	22,050 0 0	40,367 15 1	62,417 15 1	5,984 2 9	57,324 15 4	

A. By Extract of Minutes of Consultation of the Right Honorable the Governor General in Council, dated 31st May 1856, and Extract of Minutes of Consultation of the Right Honorable the Governor in Council, dated 12th July 1856, it was resolved that the sum of Rupees 1,545 should be paid to the Master annually as compensation for losses sustained under Acts II of 1850 and VIII of 1855 from 1st April 1856, and by Extract of Minutes of Consultation, dated 9th August 1856, a sum of Rupees 237-6 was resolved to be paid to the Master annually as a further compensation. The allowance for six months, of these two sums, is Rupees 891-3.

(Signed) WILLIAM A. SERLE,
Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Registrar and Prothonotary of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853...	.....	A 24,068 14 1	24,068 14 1	8,386 8 1	15,682 6 0	
1854...	.....	B 32,908 8 5	32,908 8 5	9,106 15 0	23,801 9 5	
1855...	.....	C 26,690 12 0	26,690 12 0	9,235 4 5	17,455 7 7	
1856 (from 1st Jany. to 30th June).	.....	D 14,186 13 4	14,186 13 4	4,686 3 5	9,500 9 11	
Total...	.....	97,854 15 10	97,854 15 10	31,414 14 11	66,440 0 11	
A. Fees		18,603 6 3				
Commission		2,612 2 10				
Allowance from Small Causes.		2,853 5 0				
		24,068 14 1				
B. Fees		21,978 10 11				
Commission		7,981 1 2				
Allowance from Small Causes.		2,948 12 4				
		32,908 8 5				
C. Fees		23,350 12 0				
Allowance from Small Causes.		3,340 0 0				
		26,690 12 0				
D. Fees		12,266 13 4				
Allowance from Small Causes..		1,920 0 0				
		14,186 13 4				

(Signed) WILLIAM A. SERLE,
Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses, and Net Emoluments of the Sheriff of Madras, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the Supreme Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853.. ..	A 6,600 0 0	C 4,036 12 3	10,636 12 3	1,585 12 0	9,051 0 3	The Government allows a monthly sum of Rupees 638-5-7 for the Sheriff's Establishment and that of Her Majesty's Gaol, which is not included in these Returns. The Government also allows stationary and incidental expenses.
1854..	A 6,600 0 0	D 5,906 11 7	12,506 11 7	1,977 12 0	10,528 15 7	
1855.. ..	A 6,600 0 0	E 8,429 9 9	15,029 9 9	2,422 15 0	12,606 10 9	
1856 (from 1st Jany. to 30t. June.)	B 3,300 0 0	F 4,217 14 10	7,517 14 10	1,121 0 0	6,396 14 10	
Total....	23,100 0 0	22,591 0 5	45,691 0 5	7,107 7 0	38,583 9 5	
A. Salary			4,200 0 0			
Allowance for the execution of Mofussil Process			2,400 0 0			
			6,600 0 0			
B. Salary			2,100 0 0			
Allowance for the execution of Mofussil Process			1,200 0 0			
			3,300 0 0			
C. Fees...			2,596 12 7			
Allowance from Small Causes ..			1,439 15 8			
			4,036 12 3			
D. Fees			4,466 11 7			
Allowance from Small Causes ..			1,440 0 0			
			5,906 11 7			
E. Fees			6,829 9 9			
Allowance from Small Causes			1,600 0 0			
			8,429 9 9			
F. Fees			3,257 14 10			
Allowance from Small Causes ..			960 0 0			
			4,217 14 10			

(Signed) WILLIAM A. SERLE,
Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Deputy Sheriff of Madras, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the Supreme Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853, ...	A 2,880 0 0	399 12 0	3,279 12 0	.....	3,279 12 0	
1854, ...	A 2,880 0 0	465 12 0	3,345 12 0	.....	3,345 12 0	
1855, ...	A 2,880 0 0	554 14 0	3,434 14 0	.....	3,434 14 0	
1856, (from 1st January to 30th June.)	B 1,440 0 0	150 0 0	1,590 0 0	.....	1,590 0 0	
Total...	10,080 0 0	1,570 6 0	11,650 6 0	.....	11,650 6 0	
A. Salary.....		2,520 0 0				
Palankeen allowance.....		360 0 0				
		2,880 0 0				
B. Salary.....		1,260 0 0				
Palankeen allowance.....		180 0 0				
		1,440 0 0				

(Signed) WILLIAM A. SERLE,
Registrar.

Fort St. George, Judicial Consultation, 24th March 1857.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Clerk of the Crown, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the Supreme Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A.P.	Rs. A.P.	Rs. A.P.	Rs. A.P.	Rs. A.P.	
1853	6,300 0 0	712 13 0	7,012 13 0	.....	7,012 13 0	The Government allows a separate Office Establishment for Writers and Peons at Rs. 259 per month, which is not included in these Returns. The Government also allows stationary and incidental expenses.
1854	6,300 0 0	810 11 0	7,110 11 0	.....	7,110 11 0	
1855	6,300 0 0	537 4 0	6,837 4 0	.....	6,837 4 0	
1856 (from 1st Jany. to 30th June.) ...	3,150 0 0	723 7 0	3,873 7 0	.....	3,873 7 0	
Total	22.050 0 0	2,784 3 0	24,834 3 0	.....	24,834 3 0	

(Signed) WILLIAM A. SERLE,

Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses, and Net Emoluments of the Deputy Clerk of the Crown, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the Supreme Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	2,100 0 0	.....	2,100 0 0	.....	2,100 0 0	
1854	2,100 0 0	.....	2,100 0 0	.....	2,100 0 0	
1855	2,100 0 0	.....	2,100 0 0	.....	2,100 0 0	
1856 (from 1st Jany. to 30th June). ...	1,050 0 0	.....	1,050 0 0	.....	1,050 0 0	
Total...	7,350 0 0	.....	7,350 0 0	.....	7,350 0 0	

(Signed) WILLIAM A. SERLE,

Registrar.

Fort St. George, Judicial Consultation, 24th March 1857.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Sealer of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	.....	A 2,846 4 5	2,846 4 5	186 0 0	2,660 4 5	
1854	.....	B 3,139 8 5	3,139 8 5	186 0 0	2,953 8 5	
1855	.....	C 3,553 4 0	3,553 4 0	186 0 0	3,367 4 0	
1856 (from 1st Jany. to 30th June.....	.....	D 1,931 8 0	1,931 8 0	93 0 0	1,838 8 0	
Total...	.....	11,470 8 10	11,470 8 10	651 0 0	10,819 8 10	

A. Fees	1,580 4 0	
Allowance from Small Causes	1,266 0 5	
	2,846 4 5	
B. Fees	1,844 4 0	
Allowance from Small Causes	1,295 4 5	
	3,139 8 5	
C. Fees	2,123 4 0	
Allowance from Small Causes	1,430 0 0	
	3,553 4 0	
D. Fees	1,121 8 0	
Allowance from Small Causes	810 0 0	
	1,931 8 0	

(Signed) WILLIAM A. SERLE,

Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Clerk to the Chief Justice, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the Supreme Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853.....	2,520 0 0	1,176 2 0	3,696 2 0	86 13 0	3,609 5 0	
1854.....	2,520 0 0	1,303 5 0	3,823 5 0	86 13 0	3,736 8 0	
1855.....	2,520 0 0	1,435 10 0	3,955 10 0	88 10 2	3,866 15 10	
1856 (from 1st Jany. to 30th June.).....	1,260 0 0	761 2 0	2,021 2 0	46 10 1	1,974 7 11	
Total.....	8,820 0 0	4,676 3 0	13,496 3 0	308 14 3	13,187 4 9	

(Signed) WILLIAM A. SERLE,

Registrar.

Statement Shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Clerk to the Puisne Justice, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the Supreme Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	2,520 0 0	1,176 2 0	3,696 2 0	86 13 0	3,609 5 0	
1854	2,520 0 0	1,303 5 0	3,823 5 0	86 13 0	3,736 8 0	
1855	2,520 0 0	1,435 10 0	3,955 10 0	88 10 2	3,866 15 10	
1856 (from 1st Jany. to 30th June.)	1,260 0 0	761 2 0	2,021 2 0	46 10 1	1,974 7 11	
Total	8,820 0 0	4,676 3 0	13,496 3 0	308 14 3	13,187 4 9	

(Signed) WILLIAM A. SERLE,
Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Tamil and Teloogoo Chief Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court,

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	2,940 0 0	A 2,412 2 7	5,352 2 7	102 0 0	5,250 2 7	
1854	2,940 0 0	B 2,654 1 0	5,594 1 0	138 0 0	5,456 1 0	
1855	2,940 0 0	C 2,695 10 4	5,635 10 4	138 0 0	5,497 10 4	
1856 (from 1st Jany. to 30th June.)	1,470 0 0	D 1,429 2 0	2,899 2 0	69 0 0	2,830 2 0	
Total	10,290 0 0	9,190 15 11	19,480 15 11	447 0 0	19,033 15 11	

A. Fees	1,895	8 0
Allowance from Small Causes.	516	10 7
	2,412	2 7
B. Fees	2,134	1 0
Allowance from Small Causes.	520	0 0
	2,654	1 0
C. Fees	2,112	5 0
Allowance from Small Causes.	583	5 4
	2,695	10 4
D. Fees	1,059	2 0
Allowance from Small Causes.	370	0 0
	1,429	2 0

(Signed) WILLIAM A. SERLE,
Registrar.

Statement showing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Tamil and Teloogoo second Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	1,260 0 0	A. 2,412 2 7	3,672 2 7	279 0 0	3,393 2 7	
1854	1,260 0 0	B. 2,522 13 0	3,782 13 0	279 0 0	3,503 13 0	
1855	1,260 0 0	C. 2,584 6 4	3,844 6 4	279 0 0	3,565 6 4	
1856 (from 1st Jan. to 30th June)	630 0 0	D. 1,306 10 0	1,936 10 0	139 8 0	1,797 2 0	
Total	4,410 0 0	8,825 15 11	13,235 15 11	976 8 0	12,259 7 11	

A. Fees	1,895	8 0
Allowance from Small Causes.	516	10 7
	2,412	2 7
B. Fees	2,002	13 0
Allowance from Small Causes.	520	0 0
	2,522	13 0
C. Fees	2,001	1 0
Allowance from Small Causes.	583	5 4
	2,584	6 4
D. Fees	936	10 0
Allowance from Small Causes.	370	0 0
	1,306	10 0

(Signed) WILLIAM A. SERLE,
Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Persian and Hindoostanee Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	1,680 0 0	A 802 8 7	2,482 8 7	180 0 0	2,302 8 7	
1854	1,680 0 0	B 1,034 8 0	2,714 8 0	180 0 0	2,534 8 0	
1855	1,680 0 0	C 1,610 9 4	3,290 9 4	180 0 0	3,110 9 4	
1856 (from 1st Jany. to 30th June)	840 0 0	D 785 0 0	1,625 0 0	90 0 0	1,535 0 0	
Total	5,880 0 0	4,232 9 11	10,112 9 11	630 0 0	9,482 9 11	

A. Fees	285	14 0
Allowance from Small Causes	516	10 7
	802	8 7
B. Fees	514	8 0
Allowance from Small Causes	520	0 0
	1,034	8 0
C. Fees	10,27	4 0
Allowance from Small Causes	583	5 4
	1,610	9 4
D. Fees	415	0 0
Allowances from Small Causes	370	0 0
	785	0 0

(Signed) WILLIAM A. SERLE,
Registrar.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Armenian Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	728 0 0	1 14 0	729 14 0	.....	729 14 0	From 3rd June to 31st December.
1854	1,260 0 0	47 4 0	1,307 4 0	.....	1,307 4 0	
1855	1,260 0 0	19 0 0	1,279 0 0	.....	1,279 0 0	
1856 (from 1st Jany. to 30th June.)	630 0 0	310 8 0	940 8 0	7 8 0	933 0 0	
Total	3,878 0 0	378 10 0	4,256 10 0	7 8 0	4,249 2 0	

(Signed) WILLIAM A. SERLE, *Registrar.*

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Malayalum and Moplah Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P		Rs. A. P.	
1853	1,260 0 0	190 12 0	1,450 12 0	.....	1,450 12 0	
1854	1,260 0 0	17 8 0	1,277 8 0	.....	1,277 8 0	
1855	1,260 0 0	.....	1,260 0 0	.....	1,260 0 0	
1856 (from 1st January to 30th June.)	630 0 0	.....	630 0 0	.....	630 0 0	
Total...	4,410 0 0	208 4 0	4,618 4 0	.....	4,618 4 0	

(Signed) WILLIAM A. SERLE, *Registrar.*

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Canarese Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs.. A P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853 ...	630 0 0	10 0 0	640 0 0	.....	640 0 0	
1854 ...	108 6 2	0 0 0	108 6 2	.....	101 6 10	From 1st Jany. to 2nd March.
,, ...	521 9 10	0 0 0	521 9 10	.....	521 9 10	From 3rd March to 31st December.
1855 ...	262 8 0	0 0 0	262 8 0	.....	262 8 0	From 1st Augt. to 31st December.
1856 (from 1st Jany. to 30th June.)	315 0 0	0 0 0	315 0 0	.....	315 0 0	
Total...	1,837 8 0	10 0 0	1,847 8 0	.....	1,847 8 0	

(Signed) WILLIAM A. SERLE, *Registrar.*

Title of Cause.	Bill when filed.	No. of copies certified.	Registrar's fee for certifying copies.	No. of folios.	Registrar's fee for furnishing copies.
S. Veeraragavaloo Chitty versus S. Soondra Chitty and others ...	1854 Octr. 20th	3	6 0 0	17	12 12 0
T. Ramasawmy Moodelly versus A. Soobaraya Moodelly and others	,, ,, 27th	4	8 0 0	28	21 0 0
G. J. Lafond versus A. Doutre and others.	,, Novr. 14th	3	6 0 0	55	41 4 0
Mahomed Ghouse versus Fukeroodeen Abboo Bauker	1855 Jany. 5th	1	2 0 0	37	27 12 0
S. Soondra Chitty and another versus M. Sunnyassy Chitty and others	,, Feby. 16th	3	6 0 0	53	39 12 0
The East India Company versus G. Ganaputty Chitty	,, May 10th	1	2 0 0	29	21 12 0
Chinna Tomby Chitty versus C. Appasawmy Chitty and another	,, ,, 18th	2	4 0 0	18	13 8 0
Lutchmy Bhoye versus Cause Ram Davay.	,, ,, ,,	1	2 0 0	16	12 0 0
Govindram versus G. D. Jay Kishun Doss	,, June 5th	1	2 0 0	30	22 8 0
Hosmale Beg and another versus Kiamud Dowlah Behadoor and others	,, ,, 7th	9	18 0 0	17	12 12 0
Woonamally versus P. Streenevassa Moodelly and others	,, ,, 7th	4	8 0 0	20	15 0 0
V. Vurdah Charry and another versus A. Vencata Charry	,, ,, 22d	1	2 0 0	24	18 0 0
Rookmany Ummall versus C. C. Kistna Row and others	,, ,, 26th	3	6 0 0	48	36 0 0
Cumroo Bee versus Jalal Saib and others...	,, July 14th	6	12 0 0	23	17 4 0
A. Seth Sam and another versus H. A. Kerakoose and others	,, Augt. 9th	1	2 0 0	50	37 8 0
C. Casavaloo Chetty versus C. Kistnasawmy Chitty	,, ,, 17th	1	2 0 0	17	12 12 0
G. Tholasee Ummal versus G. Taneachella Moodely	,, ,, 31st	1	2 0 0	10	7 8 0
Soobamah versus M. Ramanjummah and others	,, Septr. 6th	4	8 0 0	45	33 12 0
T. Veerasawmy Naidoo and others versus T. Angarapah Naidoo	,, ,, 14th	1	2 0 0	51	38 4 0
T. Spring versus T. Burghall and another.	,, ,, 21st	2	4 0 0	15	11 4 0
T. Streerungamal versus A. Vencatachella Chitty	,, Novr. 2nd	1	2 0 0	21	15 12 0
Syed Hamed Saib versus M. Kerakoose and another	,, ,, 30th	2	4 0 0	19	14 4 0
Lalah Meah Saib versus Fateemah Sahiba Bee and others	,, Decr. 7th	3	6 0 0	22	16 8 0
T. Vencatachella Chitty and another versus T. Sooboo Chitty and others	1856 Jany. 4th	4	8 0 0	23	17 4 0
W. D. Davies versus W. A. Morehead and others	,, ,, 16th	7	14 0 0	35	26 4 0
Wootherasawmy Chitty and another versus S. Andeapah Chitty and another	,, ,, ,,	2	4 0 0	37	27 12 0
P. Kistnasawmy Naidoo and another versus P. Parthasardy Naidoo and another.....	,, ,, 24th	2	4 0 0	14	10 8 0
P. D. Anun Doss and others versus G. D. V. Vallaba Doss and another	,, Feby. 2nd	2	4 0 0	26	19 8 0
Cassi Doss versus G. Mahomed Saib	,, March 3rd	1	2 0 0	11	8 4 0
V. S. Rawmah Iyer versus U. Lutchmanasawmy Chittyar and another	,, ,, ,,	2	4 0 0	14	10 8 0
Annamallay Aucharry versus Tondavaroy Aucharry and others	,, ,, 15th	3	6 0 0	17	12 12 0
Veerasawmy Naick and another versus Arnachella Naick and others	,, ,, 18th	7	14 0 0	36	27 0 0
A. Seetumah versus A. Vencata Charry ...	,, ,, 29th	1	2 0 0	20	15 0 0
Ballasawmy Ummall versus The East India Company	,, April 2nd	1	2 0 0	27	20 4 0

Title of Cause.	Bill when filed.	No. of copies certified.	Registrar's fee for certifying copies.	No. of folios.	Registrar's fee for furnishing copies.
N. Keeshoor Doss versus Manamohun Doss and others	1856 April 3rd	3	6 0 0	17	12 12 0
T. Narain Pillay and another versus Administrator General	" " "	1	2 0 0	30	22 8 0
Mahomed Furzoolah Saib versus Moideen Bee and another	" May 28th	2	4 0 0	17	12 12 0
N. D. Gopal Doss and others versus T. H. Jevaraz	" June 2nd	1	2 0 0	16	12 0 0
P. Teroovengada Pillay versus C. Arnachella Moodely	" July 11th	1	2 0 0	39	29 4 0
B. Brooks versus W. T. Starkenburgh and another	" " 12th	2	4 0 0	26	19 8 0
G. G. K. Richardson versus C. Rajenda Row and others	" " 15th	2	4 0 0	34	25 8 0
P. Vencatareddy versus S. Kistniah Panthooloo	" " 22nd	1	2 0 0	22	16 8 0
E. Smith and others versus G. Fletcher and others	" " 25th	3	6 0 0	26	19 8 0
M. Vencatakistnama Chitty and another versus M. Soondra Charry and others.....	" Augt. 12th	3	6 0 0	12	9 0 0
K. Sawmynada Moodelly and another versus T. D. Carpenter	" " 22d	1	2 0 0	19	14 4 0
Syed Taha Saib versus S. Goolum Ally Saib	" " 29th	1	2 0 0	26	19 8 0
T. Namasevaya Chitty and another versus T. Augapah Chitty	" Septr. 9th	1	2 0 0	29	21 12 0
Abeer Chund Soucar versus A. S. V. Soobaroyloo Chitty and another	" " "	2	4 0 0	16	12 0 0
Kamala versus Ruthnala Naidoo	" " 12th	1	2 0 0	14	10 8 0
Shurfoon Nissa Baigum versus Mayroon Nissa Baigum and another	" " 13th	2	4 0 0	11	8 4 0
D. Nagojee Row and others versus M. Kerakoose and others	" " 16th	3	6 0 0	28	21 0 0
Soornum and others versus Davany and others	" " 18th	4	8 0 0	14	10 8 0
	Total.....	141	282 0 0	1540	1155 0 0

(Signed) WILLIAM A. SERLE, *Registrar.*

No. 5. ORDER THEREON, No. 321; dated 18th March 1857.

(Signed) T. PYCROFT,
Chief Secretary.

Ordered that the following letter be despatched.

No. 6. From T. PYCROFT, Esq., Chief Secretary to the Government of Fort St. George; to C. BEADON, Esq., Secretary to the Government of India, dated 18th March 1857, No. 322.

SIR,

1. I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 27th August last, No. 1082, stating, in reply to mine of 19th June preceding, that, if, after communication with the Honorable the Judges of H. M. Supreme Court at Madras, the Right Honorable the Governor in Council would submit such a scheme for the payment of the Officers of that Court by fixed salaries instead of fees, as would satisfy the necessary condition that the State shall not be exposed to loss by the change, together with the draft of an Act for carrying out the scheme, the Government of India would be prepared to give it prompt effect.

2. With respect to the claim for compensation which had been submitted by Mr. Serle, Registrar of the Supreme Court, information was required to shew whether the conditions on which that Officer was appointed included the contingency of losses such as those of which he complained, and if this Government were of opinion that he was entitled to compensation for loss of fees consequent on legislation, he was to be called upon for a detailed Estimate of his losses upon an average of five years preceding each Act; and, with respect to his claim in consequence of Act No. VI of 1854, he should be desired to specify the number of copies to which he had certified under the new rules, and the amount of fees which he would have received for such copies if the originals had been prepared under the old Law.

3. On the receipt of your letter to the above purport, this Government addressed the Judges of the Supreme Court, and requested that they might be supplied with returns similar to those furnished on a previous occasion showing the salaries, fees, gross emoluments, Office expenses and net emoluments of the several Officers of their Court for each of the three years 1853-4-5 and for the first six months of 1856, and with a statement similar to that supplied in 1853, exhibiting the state of business in their Court annually from the commencement of the year 1853, to the latest date to which it could be brought. Their Honors were also asked to favor Government with their views on the scheme to be devised for remunerating the Officers of their Court by fixed salaries instead of fees, on the understanding, that it was to be an indispensable condition of any arrangements that may be carried out, that they entail no loss upon the State. Inquiry was likewise made of them in regard to the conditions on which Mr. Serle had been appointed Registrar and Prothonotary.

6th November 1856.

4. I have now to forward the reply, with accompanying returns, made by the Chief Justice Sir C. Rawlinson.

5. As to the general question of the payment of the Officers of his Court by fixed salaries instead of fees, the Chief Justice refers to the letters from himself and his Honorable Colleague under dates November 6th 1850, and 24th March 1851. These papers, I may observe, with the views of Government upon the subjects discussed in them, were submitted to the Government of India on the 12th December 1850 and 6th May 1851, respectively.

6. His Honor states that he is quite as unable, now, as he was on the previous occasion to propose any scheme for the payment of all the Officers of the Court by salaries, which may not involve an increased expenditure on the part of the Government; for, though the business of the Court has been steadily on the increase during the last 4 years (as shown in the Return No. 1 submitted,) the fees to the Officers have not increased in a similar proportion. Other changes, it is added, are impending. The reforms contained in the English and Irish Common Law procedure cannot, it is hoped, much longer be withheld from the Supreme Courts of India. It is impossible to prognosticate with any degree of certainty what will be the effect on the business and fees of the Court from these last mentioned changes.

7. Sir C. Rawlinson had, at times, entertained the hope, that, had a vacancy occurred in either of the 2 Chief Offices, viz; those of Registrar or Master, or even in that of Clerk of the Crown, some scheme might have been framed for paying the Chief Officers by salaries: but no such opportunity has presented itself.

8. The Chief Justice has, however, drawn out a scheme by which a salary may be secured to the Registrar and Prothonotary without, he thinks, much risk of increase of expense to Government, and by which also his present and future claims to compensation will be got rid of.

9. This plan is shown in the Appendix A to His Honor's letter. It is proposed that the Offices of Prothonotary and Registrar be paid by a fixed salary of Rupees 25,000 per annum, with Rupees 4,000 for Office expenses, total Rupees 29,000 annually; and that the Shrievalty be made a permanent Office on a salary of Rupees 1,000 per mensem with his present allowance,* the Deputyship being abolished.

*i. e. It is presumed that for execution of Mofussil process Rupees 2400 per annum which is something more than his Office expenses Rupees. $71^{07}/_{08}-3\frac{1}{2}=2030$.

Salary of Registrar and Prothonotary... 25,000
Establishment..... 4,000
Sheriff 12,000
41,000

10. The expense of this arrangement, or Rupees 41,000 per annum, it is proposed thus to meet

Average net emoluments of the Office of Registrar and Prothonotary for the last 3½ years ending 30th June last,... ...Rs. 18,982
Average net emoluments of Sheriff for same period, ... ,, 11,024
Do do Dy. Sheriff,... ... ... ,, 3,208
Salaries to Counsel and Attorney for Paupers, ... ,, 9,000

Total... 42,214

and showing a surplus on the arrangement of Rupees, 1,214, to which may be added any small surplus arising from the causes tried before the Supreme Court under the Small Cause Act, which is estimated at Rs. 1,000 yearly.

11. With regard to the salaries of the Counsel and Attorney for Paupers, Rupees 9,000, which it is proposed to apply towards defraying the expense of the scheme, it is remarked by the Chief Justice that the payments to these two last mentioned persons ceased, with the concurrence of the Judges in 1851, at the time, when the proposal for paying the Officers by salaries was under discussion, and, he thinks, therefore, that that sum should clearly be credited to the fund now, as it was proposed to be in 1850.

12. On this scheme I am desired to remark that in the above calculations the average net emoluments of the Registrar and Prothonotary for the last 3½ years have been reckoned at Rupees 18,982 annually. It will, however, be seen from the return of emoluments and expenditure furnished for that office for the period on which the average has been struck, that the receipts for the two first years of the series, or 1853, and 54, include Rs. 10,593 commission on Estates administered to by the Ecclesiastical Registrar a source of income which has wholly been withdrawn from the Office by Act VIII, 1855, on the Administrator General's Act. The incomings for each of the years of the whole series in like manner include allowance from Small Causes, Rupees 11,061, which would cease altogether should the Supreme Court discontinue taking business on the Small Cause side. Similarly the Sheriff's emoluments include, for the whole time embraced in the return, allowances for Small Causes, Rupees 5,439. If deduction be made on account of the sources of emolument to the Registrar and Sheriff, which in this manner have ceased, or may cease, the average net emoluments of those Offices will be lowered to Rupees 12,796 A, and 9,468 B, respectively, and the result, on the whole arrangement, will be a loss of Rupees 6,528 C, in place of a gain of Rupees 1,214.

Total net emoluments of Registrar and Prothonotary for the 3½ years 1853-4-5 and to June 30th, 1856.. ..... Rs. 66,440
Deduct
Commission on Estates.....10,593
Allow for Small Causes.....11,061 ,, 21,654
Remain 44,786
which on the average of 3½ years is per annum A 12,796

Total net emoluments of Sheriff for above period, Rs. 38,583
Deduct Allowance for Small Causes ..... ,, 5,439
Remain for 3½ years ..... ,, 33,144
Or Annually .....B..... ,, 9,468

Expenses of arrangement as above para. 10..... Rs. 41,000
Average net emolument of Registrar and Prothonotary..... Rs. 12,796
Do. Sheriff..... ,, 9,468
Do. Dy. Sheriff..... ,, 3,208
Counsel and Attorney for Paupers..... ,, 9,000
Rs. 34,472
C. ... 6,528

13. With regard to the proposed appropriation of the former salaries of the Offices of Counsel and Attorney for Paupers, appointments which were abolished, as unnecessary, in 1851, and the reason given by the Chief Justice for the application, it is to be remarked that, in the previous discussions on this question, it was proposed to make those allowances available towards carrying out the general measure of paying the Offices of the Supreme Court by fixed salaries, and not for augmenting the emoluments of one particular Office.

14. In respect to the small surplus arising from the causes tried in the Supreme Court under Act IX of 1850, which Sir C. Rawlinson thinks may also be made available towards the proposed scheme, it is to be observed that the Small Cause Court does not now pay its expenses and that the deficit is in a great degree attributable to the fact that many of the higher cases yielding the largest fees, that is, those for a value exceeding Rupees 100, are tried in the Supreme Court, and the fees, except the small surplus above noted, distributed among its Officers.

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Portuguese Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	336 0 0	0 0 0	336 0 0	.....	336 0 0	
1854	336 0 0	0 0 0	336 0 0	.....	336 0 0	
1855	336 0 0	10 8 0	346 8 0	.....	346 8 0	
1856 (from 1st Jany. to 30th June)...	168 0 0	123 13 0	291 13 0	25 0 0	266 13 0	
Total...	1,176 0 0	134 5 0	1,310 5 0	25 0 0	1,285 5 0	

(Signed) WILLIAM A. SERLE, *Registrar.*

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the French Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853.	210 0 0	52 12 0	262 12 0	60 0 0	202 12 0	
1854.....	210 0 0	.....	210 0 0	60 0 0	150 0 0	
1855....	210 0 0	.....	210 0 0	60 0 0	150 0 0	
1856 (from 1st Jany. to 30th June.)	105 0 0	59 0 0	164 0 0	30 0 0	134 0 0	
Total.....	735 0 0	111 12 0	846 12 0	210 0 0	636 12 0	

(Signed) WILLIAM A. SERLE, *Registrar.*

Statement shewing the Salary, Fees, Gross Emoluments, Office Expenses and Net Emoluments of the Dutch Interpreter of the Supreme Court, from 1st January 1853 to 30th June 1856; as extracted from the Returns forwarded by that Officer to the Honorable the Judges of the same Court.

For what Year.	Salary.	Fees.	Gross Emoluments.	Office Expenses.	Net. Emoluments.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1853	210 0 0	127 4 0	337 4 0	53 9 0	283 11 0	
1854	210 0 0	118 0 0	328 0 0	43 3 0	284 13 0	
1855	210 0 0	229 7 0	439 7 0	47 9 0	391 14 0	
1856 (from 1st Jan. to 30th June.)....	105 0 0	73 0 0	178 0 0	12 0 0	166 0 0	
Total.....	735 0 0	547 11 0	1,282 11 0	156 5 0	1,126 6 0	

(Signed) WILLIAM A. SERLE, *Registrar.*

No. 4. Read the following letter from WILLIAM A. SERLE, Esq., Registrar Supreme Court, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, dated 2nd March 1857.

SIR,

1 and 2.
Previous to passing of Act VI of 1854, for 5 years and subsequent to the passing of the Act VI of 1854, for 3 years.
3 and 4.
Return previous to passing of Act IX of 1850 for 5 years and subsequent to the passing of Act IX of 1850 for 5 years.
5
Memo. of Bills certified.

I have now the honor to forward for the information of Government the several Returns, as per margin, called for by the Minutes of Consultation of Government, dated 17th November 1856.

These Returns though framed with great care and accuracy, cannot give accurately, for the reasons stated in my letter to the Chief Justice, copy of which with his Lordship's endorsement thereon, I also forward with his permission, the loss I have actually sustained by the operation of the Legislative Acts referred to therein as also in my Memorial of the 29th May 1856. I must therefore leave the disposal of the question of my compensation to the justice of Government and shall only express a hope they will be guided in coming to a determination on this subject, by the known precedents at home of Officers of Court damnified in their vested Interests by the operation of Acts of Parliament.

(Signed) WILLIAM A. SERLE,
Registrar.

From WILLIAM A. SERLE, Esq., Registrar, Madras; to the Honorable Sir C. W. RAWLINSON, Chief Justice, dated 15th February 1857.

MY LORD,

1 and 2.
Previous to passing of Act VI of 1854 for 5 years and subsequent to the passing of the Act VI of 1854 for 3 years.
3 and 4.
Return previous to passing of Act IX. of 1850 for 5 years and subsequent to the passing of Act IX. of 1850 for 5 years.
5
Memo. of Bills certified.

In forwarding the Returns noted in the margin called for by Government by their letter to me of 17th November last, I have the honor to bring to your Lordship's notice that I am unable to furnish the Returns for the five years subsequent to the passing of Act VI of 1854, five years not having expired since the passing of the same. I have however made the Return up to January of this year, being the latest period capable of being referred to.

2. I must however bring to your Lordship's notice that these Returns will not enable the Government to arrive at any just conclusion as to the actual losses sustained by me by the operation of these Acts, the practice on both sides of the Court having been so altered and modified by the passing of the same as to make it impossible to show with any certainty what such losses have been. Your Lordship must be so well aware of this and of the practice which did obtain and which now obtains in Your Lordship's Court that I should not feel justified in doing more than drawing your Lordship's attention to the fact and I shall only with Your Lordship's permission, as the Government has called for a specific Return of "*the Bills certified*" by me since the passing of the Act VI of 1854 shew shortly and by way of example how impossible such Return can enable the Government to calculate such loss.

3. Under the present practice the Bill contains only the narrative of the material facts, matters, and circumstances intended to be relied on by the Plaintiff; and prays specifically for the relief the Plaintiff considers himself entitled to as also for the general relief and is consequently very short.

Daniel's Pra. Cha. p. 338.

Under the old practice the Bill was considerably longer as it consisted of nine parts, to enumerate which will be superfluous, and I shall only observe that the Act VI of 1854 by reducing and modifying some parts and totally excluding others has rendered a Bill in Equity which was formerly a very lengthened proceeding almost as simple and short as a Plaint at Common Law, hence the Return now made cannot shew what my loss has been, as such loss would have to be calculated upon the number of folios which would have been contained in each Bill, had the present practice not been introduced a result impossible to be arrived at.

Arrest on Mesne Process Act.

4. Government has called upon me for a Return of my losses incurred since the passing of Act VII of 1855. I am unable to comply with this application as the practice introduced thereby has so completely altered the procedure that I cannot give any

analagous Return; indeed I only referred to this Act for the sake of shewing that the Legislature was so continually passing Acts which had a direct tendency to injure me in my emoluments as Registrar and Prothonotary that in time such Offices would become perfectly untenable by any one compensated alone by Fees. I could have mentioned other Acts having a like tendency and only refrained from so doing to avoid prolixity, else I could have brought forward inter alia and with success, the practice of filing claims and special cases introduced under the Act XVII of 1852 whereby the necessity of filing Bills to establish the rights of parties or to obtain the opinion of the Court has been done away with.

XVII of 1852.

It is impossible therefore for the Government to arrive at a true result of what my actual losses really have been by the working of these Acts, as such losses could only be calculated upon the work which would have been bona fide done had such Acts not come into operation, and which work would have depended not only on the practice then obtaining but also by the acts of the parties litigant consequent upon such practice and of the proceedings rendered necessary thereby.

IX. of 1850.
VI of 1854.
XVII of 1852.

(Signed) WILLIAM A. SERLE,
Registrar.

(A true Copy.)

(Signed) D. SHAW,
Chief Clerk to the Registrar.

I have read this letter and have no observation to make on it.

(Signed) C. R.

26th February 1857.

	Expense.	Income.
Preceding Act 6 of 1854. EQUITY.		
1849 February to January 1850	2,506 9 10	12,788 12 0
1850 February to January 1851	2,822 8 0	11,864 0 0
1851 February to January 1852	1,770 14 11	6,228 0 0
1852 February to January 1853	1,902 7 6	5,588 8 0
1853 February to January 1854	1,616 12 11	5,102 4 0
	10,619 5 2	41,571 8 0
Gross Income in Equity preceding 5 years of the passing of Act 6 of 1854	.....	41,571 8 0
Deduct Expenses.....	.....	10,619 5 2
Net Income for 5 years...	.....	30,952 2 10
Subsequent to passing of Act 6 of 1854.		
1854 February to January 1855	1,294 6 0	4,218 4 0
*1855 February to January 1856	2,342 11 9	4,358 4 0
1856 February to January 1857	1,776 0 8	5,020 4 0
	5,413 2 5	13,596 12 0
Gross Income in Equity for three years subsequent to the passing of Act 6 of 1854	.....	13,596 12 0
Deduct Expenses.....	.....	5,413 2 5
Net Income for 3 years.....	.....	8,183 9 7
Net Income preceding 5 years	30,952 2 10	
Average for 3 years	18,571 5 0	
Net Income subsequent for 3 years.....	8,183 9 7	
Loss...	10,387 11 5	

* Absent on sick leave.

(Signed) WILLIAM A. SERLE,
Registrar.

Preceding Act 9 of 1850.

COMMON LAW.

	Expense.	Income.
1845 May to April 1846	5,331 9 5	26,765 13 10
1846 May to April 1847	6,301 5 10	29,388 11 4
1847 May to April 1848	5,679 1 8	24,497 10 3
1848 May to April 1849	5,411 11 8	27,528 0 6
1849 May to April 1850	4,977 15 4	22,766 7 0
	27,701 11 11	130,946 10 11
Cross Income in Common Law preceding 5 years of the passing of Act 9 of 1850		
Deduct Expenses		133,946 10 11
		27,701 11 11
Net Income for 5 years		103,244 15 0

Subsequent to passing of Act 9 of 1850.

COMMON LAW.

1850 May to April 1851		
1851 May to April 1852	5,103 9 10	20,291 3 6
1852 May to April 1853	5,605 11 4	16,389 6 0
1853 May to April 1854	5,613 15 10	17,597 4 8
1854 May to April 1855*	5,465 6 4	18,500 8 6
	6,845 15 11	18,242 0 6
	28,634 11 3	91,020 7 2
Gross Income in Common Law for 5 years subsequent to the passing of Act 9 of 1850		
Deduct Expenses		91,020 7 2
		28,634 11 3
Net Income for 5 years		62,385 11 11
Net Income preceding 5 years	103,244 15 0	
Do Subsequent	62,385 11 11	
Loss	40,859 3 1	

* 3 Months absent on sick leave

(Signed) WILLIAM A. SERLE,
Registrar.

Title of Cause.	Bill when filed.	No. of copies certified.	Registrar's fee for certifying copies.	No. of folios.	Registrar's fee for furnishing copies.
			R. A. P.		R. A. P.
S. Teagaroy Chitty and others versus G. Robertson and another	1854 June 9th	2	4 0 0	64	48 0 0
Mahomed Ghouse versus Fukeroodeen Abboo Bauker and another	,, ,, 22nd	2	4 0 0	14	10 8 0
Moodookistna Moodelly versus Mahomed Alley Khan	,, ,, 30th	1	2 0 0	12	9 0 0
M. A. J. Marooth versus J. A. Marooth and another	,, Augt. 15th	2	4 0 0	13	9 12 0
M. Sunnyassy Chitty versus S. Soondra Chitty and others	,, ,, 25th	3	6 0 0	29	21 12 0
Nagapah Chitty versus E. M. Ebrahim Saib and another	,, Septr. 11th	2	4 0 0	15	11 4 0
Mungatoy Ummall versus D. Rajahgopaul Chitty and another	,, ,, 28th	2	4 0 0	41	30 12 0
P. Ramalinga Moodelly versus T. Soondra Moodelly	,, Octr. 14th	1	2 0 0	20	15 0 0
Ragavah Beebee versus Ganapathy Row and another	,, ,, 20th	2	4 0 0	11	8 4 0

10

Jud. Depart.

No. 321

Extract from the Minutes of Consultation

Dated 18th March 1857

Read again Ex. Mins of Cons. Jud. Dep. dated 7th October

Read also the following letters.

From the Chief Justice of H. M's Supreme Court - / Here enter 6th Nov. 56 No.

From Registrar Supreme Court - / Here enter 2nd March 1857 No. /

Ordered that the following letter be dispatched.

To The Secy. to the Government of India - / Here enter

Jud. Dept.

No 332

To J. Beadon Esqre
Secretary to the Government of
India.

Sir

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your Letter of the 27th August last No 1082, stating, in reply to mine of 19th June preceding, that, if, after communication with the Hon'ble the Judges of H. M. Supreme Court at Madras, the Right Honorable the Governor in Council would submit such a scheme for the payment of the Officers of that Court by fixed salaries instead of fees, as would

satisfy

satisfy the necessary condition that the State shall not be exposed to loss by the change, together with the draft of an Act for carrying out the scheme, the Government of India would be prepared to give it prompt effect.

2 With respect to the claim for compensation which had been submitted by Mr. Serle, Registrar of the Supreme Court, information was required to shew whether the conditions on which that Officer was appointed included the contingency of losses such as those of which he complained and if this Government were of opinion that he was entitled to compensation for loss of fees consequent on legislation, he was to be called upon for a detailed Estimate of his losses upon an average of five years preceding each Act; and, with respect to his claim in consequence of Act No. VI of 1854, he should be desired to specify the number of copies to which he had certified under the new ~~rules~~ rules, and the amount of fees which he would have received for such copies if the originals had been prepared under the old Law.

3 ~~I have now to state~~ That, on the receipt of your letter to the above purport, this Govt. addressed the Judges of the Supreme Court, and requested that they might be supplied with returns similar to those furnished on a previous occasion

occasion showing the sa-
-laries, fees, gross emolu-
-ments, office expences
and net emoluments of
the several officers of this
Court for each of the three
years 1853-4-5 and for
the first six months of
1856- and with a state-
-ment similar to that
supplied in 1853, exhi-
-biting the state of busi-
-ness in this Court
annually from the
commencement of the
year 1853 to the latest
date to which it could be
brought- Their Honors
were also requested to favor
Government with their
views on the scheme
to be devised for remu-
-nerating the officers
of this Court by fixed
Salaries instead of fees-
on the understanding,
that it was to be an indis
-pensable condition of
any

13

any arrangements that
may be carried out, that
they entail no loss upon
the State- Inquiry was
likewise made of them
in regard to the conditions
on which Mr Serle
had been appointed
Registrar and Prothonotary
4 I have now to for-
-ward the reply with
accompanying returns,
made by the Chief Justice
Sir Rawlinson.
6th November 1856
5 As to the general
question of the payment
of the officers of this Court
by fixed Salaries instead
of fees, the Chief Justice
refers to the letters from
himself and his Honor-
-able Colleague under
dates Nov.r 6th 1850 and
24th March 1851- These
papers, I may observe,
with the views of Govt.
upon the subjects dis-
-cussed in them, were
submitted

+ and 6 May 1851 respectively

submitted to the Govt of India on the 12th Dec. 1850 +

6 His Honor states that he is quite as unable, now, as he was on the previous occasion to propose any scheme for the payment of all the Officers of the Court by Salaries, which may not involve an increased expenditure on the part of the Government — for, though the business of the Court has been steadily on the increase during the last 4 years (as shown in the return No 1 submitted), the fees to the Officers have not increased in a similar proportion. Other changes, it is added, are in pending. The reforms contained in the English and Irish common law procedure cannot, it is hoped, much longer

longer be withheld from the Supreme Courts of India — It is impossible to prognosticate with any degree of certainty what will be the effect on the business and fees of the Court from these last mentioned changes.

7 Sir C. Rawlinson had, at times, entertained the hope, that, had a vacancy occurred in either of the 2 Chief Offices, viz: those of Registrar or Master, or even in that of Clerk of the Crown, some scheme might have been framed for paying the Chief Officers by salaries: but no such opportunity has presented itself.

8 The Chief Justice has, however, drawn out a scheme by which a salary may be secured to the Registrar and Prothonotary

Prothonotary without, he thinks, much risk of increase of expense to Government, and by which also his present and future claims to compensation will be got rid of.

9 This plan is shown in the Appendix A to His Honor's Letr. It is proposed that the Offices of Prothonotary and Registrar be paid by a fixed Salary of Rupees 25,000 per annum, with Rs 4,000 for Office expences total Rs 29,000 annually: and that the Shrievalty be made a permanent Office on a Salary of Rs 1,000 per mensem with his present allowance, the Deputyship being abolished.

10 The expense of this arrangement, or Rs 14,000 per annum, it is proposed thus to meet.

Average net emoluments of the Office of Registrar and Prothonotary for the last 3½ years ending 30th June last ------ 18,982-

Average Dº of Sheriff for same period ------ 11,024-

Dº Dº Dy Sheriff -- 3,208-

Salaries to Counsel and Attorney for Paupers ------ 9000-

Total 42,214-

and showing a surplus on the arrangement of Rs 1,214, to which may be added any small surplus arising from the causes tried before the Supreme Court under the Small Cause Act, which is estimated at Rs 1,000 yearly.

11 With regard to the Salaries of the Counsel and Attorney for Paupers Rs 9000, which it is proposed to

x.e. It is presumed that for execution of Mofussil process Rs 2400 per annum which is something more than this Office expences ie Rs 7107 ÷ 3½ = 2030.-

Salary of Regr and Prothono: 25,000
Peons &c Establishment 4000
Sheriff 12,000
41,000

to apply towards defraying the expense of the scheme - it is remarked by the Chief Justice that the payments to these two last mentioned persons ceased, with the concurrence of the Judges in 1851, at the time, when the proposal for paying the Officers by salaries was under discussion - and, he thinks, therefore that that sum should clearly be credited to the Fund now as it was proposed to be in 1850.

12. On this scheme I am desired to remark

12. ~~It is to be remarked~~ That in the above calculations the average net emoluments of the Registrar and Prothonotary for the last 3½ years have been reckoned at Rs. 18,982 - annually - It will, however, be seen from the return of emoluments and expenditure furnished for that Office for the period on which the average has been struck, that the receipts for the two first years of the series or 1853/54 - include Rs. 10,593 Commission on Estates administered by the Ecclesiastical Registrar a source of income which has wholly been withdrawn from the Office by Act VIII. 1855 on the Administrator General's Act. The incomings for each of the years of the whole series in like manner include allowance from small causes Rs. 11,061. which would cease altogether should the Supreme Court discontinue taking business on the Small Cause side - Similarly,

the

Total Net Emoluments of Regr. and Prothonotary for the 3½ years 1853-4-5 and to June 30th 1856 — 66,440

Deduct
Commrs. on Estates — 10593
Allow. for S. Causes — 14,061 } 24,654
remain — 44,786
which, on the average of 3½ years, is per annum — A — 12,796

Total net Emoluments of Sheriff for above period — Rs. 38,583
ded.t allce. for S. Causes — 5439
Remains for 3½ years — 33,144
or annually — B — 9,468.

Expences of arrangement, as above, P. A. — 41,000
Average net Emolument of
Registrar & Prothonotary — 12796
— Do — Sheriff — 9468
— Dy Sheriff — 3208
Counsel & Attorney
for Paupers — 1000 — 34,472
C — 6528

the Sheriff's emoluments include, for the whole time embraced in the return, allowances for small causes Rs 5,439. If deduction be made on account of the sources of emolument to the Registrar and Sheriff, which in this manner have ceased, or may cease, the average net emoluments of those Offices will be lowered to Rs A 12,796 and B 9,468 respectively and the result, on the whole arrangement, will be a loss of Rs C 6528, in place of a gain of Rs 1214.-

13 With regard to the proposed appropriation of the former salaries of the Offices of Counsel and Attorney for Paupers appointments to which were abolished, as unnecessary, in 1851. and the reason given by the Chief Justice for the application, it is to

to be remarked that, in the previous discussions on this question, it was proposed to make those allowances available towards carrying out the general measure of paying the Officers of the Supreme Court by fixed salaries, and not for augmenting the emoluments of one particular Office.

14 In respect to the small surplus arising from the Causes tried in the Supreme Court under Act IX of 1850. which Sir C Rawlinson thinks may also be made available towards the proposed scheme, it is to be observed that the Small Cause Court does not now pay its expences and that the deficit is in a great degree

degree attributable to the fact that many of the higher cases yielding the largest fees, that is, those for a value exceeding Rs 100, are tried in the Supreme Court, and the fees, except the small surplus above noted, distributed among its Officers.-

15. Further, the scheme contemplates not merely the commutation of fees for fixed salary but a considerable augmentation to the present emoluments of the Office of Registrar and Prothonotary. It is proposed to fix the salary henceforward at Rs 25,000 per annum, whereas the average net receipts for the last 3½ years do not amount to more than Rs 18,982 and would sink

Appendix A

sink to Rs 12,796, if Commission on Administered Estates and allowance for Small Causes be deducted. In the former case, the increase in the proposed above the actual rate would be Rs 6018- in the latter it would be Rs 12,204 yearly.-

16 It is remarked by the Chief Justice as one advantage of this scheme that it would get rid of all claims, present or future, on the part of the Registrar and Prothonotary to compensation for losses sustained by him under the Acts of the Legislature. But these claims, to whatever extent the Supreme Government might be prepared to admit them, would be personal

Demand

personal to Mr. Forle, ceasing on his vacating the Office - whereas, the augmentation above referred to would be permanent.

17 The plan provides, moreover, for the conversion of the Shrievalty into a permanent Office - which is, no doubt, a desirable arrangement. This, however, may be considered separately and apart from the improvement of the Registrars emoluments. It is remarked that the Sheriffs present net emoluments Rs 14,024 (including his receipts from Small Causes) + nearly equal the Salary Rs 12,000 per annum proposed to be assigned him. It was proposed by the Government in 1850 that the Offices of

E. R. C. 16th Oct. 1850 No. 658
Forwarded to Supt. Govt with letter of 12th Dec.

Net emoluments of Sheriff (inclusive of Allowance from Small Causes but exclusive of Allowance for executing)

Mofussil Process	11023
Do Dy Sheriff	3327
per annum	14350
or per mensem	1196

of Sheriff and Coroner should be united, but this, although it was understood to have been approved of by Sir L. Peel for Calcutta, was objected to by the Judges of Her Majesty's Court at Madras. The Judges, also, at the same time expressed great doubts whether the Sheriff could perform all the duties which would devolve on him without a deputy. The Scheme now submitted contemplates the abolition of the Deputyship - It therefore does not seem difficult, by applying the emoluments of the deputy towards that object, to render the Shrievalty a permanent Office on a fixed Salary without much risk of loss to Government - But, before such

such arrangement be made, the present Deputy Sheriff must be otherwise provided for and it may be well also to await the result of the changes which may have to be made on the amalgamation of the Queen's and Company's Courts.

With the Exception of the arrangement proposed above I do not perceive any other whereby the desired end could be attained.

I am desired to communicate to you the above remarks in reference to your letter of the 27th August last and to the letter and returns from the Chief Justice now under submission. and to add that, however desirous the Government may be that the measure of paying the Officers of H.M.'s Supreme Court by

adequate salaries instead of fees should take effect, they could not support the arrangement proposed by Sir C. Rawlinson, and they regret that they do not perceive any other whereby the desired end could be attained.

With regard to the enquiry made by the Government of India whether the conditions on which Mr. Serle was appointed Registrar and Prothonotary of the Supreme Court included the contingency of no fees such as those of which he complains, the Chief Justice states that he does not think that Mr. Serle was appointed to his Office on the contingency of his being subjected to such no fees as those complained

coupled, as it appears from your letter it must be with "the necessary condition that "the State shall not be "exposed to loss by the change"

complained of. Sir C. Rawlinson is informed that he was appointed subject to such changes as might be made in the distribution of the Officers of the Court and to his being paid by an adequate salary in the event of the system of payment by fees being abolished.

2d Mr. Serle has, as required by the concluding para of your letter, been called upon for a detailed Estimate of his losses upon an average of five years preceding each act by which his emoluments have been affected. His answer and the accompanying Statement are herewith forwarded.

IX. 50
VI. 574
VII. 55

Dated 2nd March 1857

For Sir G. George,
18th March, 1857

Inst. Dt. to Govt. 9/ July No. 16 of 1857

Para 32 & 33

Repeated in Ch. No. 1 of 1858 P. 25.

In D4 to Ins. 24th March
Judicial 1857 Depart.

No. 322

To The Secy. to the Govt. of
India

2/18th March/57

~~Replied 18th Dec. 1857~~

~~No. 47.~~

Relative to the officers of the Supreme Courts being paid by fixed salaries instead of fees.—

3 — 6

Copy

c 9 March
R 17 —