

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>916</i>	Press
		<i>Mis.</i>
138-139		
Dated	<i>16. 7. 1861</i>	<i>19</i>

3/3

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
16th July 1861.*

No. 138. Read the following letter from ARTHUR MACDONALD RITCHIE, Esq., Registrar and Prothonotary of Her Majesty's Supreme Court, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 6th July 1861.

1. I have the honor to acknowledge the receipt of your communication of the 27th ultimo, referring to my appointment as Registrar and Prothonotary of Her Majesty's Supreme Court of Judicature at Madras, and informing me that I will not be considered by Government to have any title to compensation on account of any measures which may be taken regarding my Office on the anticipated amalgamation of the Supreme and Sudr Courts.

2. Before proceeding to the question of title to compensation, in the event of any change for the worse in my emoluments on the amalgamation referred to taking place, I must, and do hereby, most respectfully, but at the same time most earnestly and emphatically protest against the Government attempting in any way to interfere with my appointment as Registrar and Prothonotary of Her Majesty's Supreme Court at Madras, because I submit the Government has no right so to do.

3. The appointment to the Office of Registrar and Prothonotary of the said Court rests and always has been vested in Her Majesty's Judges, and with them alone exists the power of making or enforcing any restrictions or conditions upon the person appointed and at the time of his appointment.

4. I was duly and regularly appointed to the office by Her Majesty's Chief Justice on the 31st May 1861, under certain conditions as to the duties of the office, but under none as to the emoluments thereof, as will appear from copies of letters transmitted herewith.

5. Had any condition been made about future emoluments, I would not have accepted the office.

6. Having been thus duly appointed, I the next day regularly entered upon the duties of the office and thereby became, and still am entitled as of vested right to the emoluments of the office.

7. The right having once vested, is as good whether enjoyed for only one day or for a hundred years, and consequently cannot be interfered with without compensation for loss.

8. The office was not filled up for the space of five months, during which there was ample time for the Government to have communicated with Her Majesty's Judges as to any conditions as to emoluments in case of any future change in the Courts.

9. Any such intimation of the Government's to Her Majesty's Judges, I have no doubt would have received due consideration from them.

10. But no condition as to emoluments having been made at the time of my appointment, my right to compensation, in case of any loss accruing to me on the contemplated amalgamation, cannot be affected by a notice from Government, a month nearly after the date of the appointment for two very good reasons, viz.:

1st.—Because I submit the Government has no right to interfere in any way with the appointment.

2nd.—Because if the Government had the right, the notice now under acknowledgment is too late.

11. It would under existing circumstances be perfectly impossible either for Her Majesty's Judges or the Government to replace me in my former status.

12. The Government however having through you done me the honor of referring to my appointment of Registrar and Prothonotary of Her Majesty's Supreme Court at Madras, I now through you do myself the honor to notify to the Government that I consider myself entitled to full and adequate compensation for any loss of emoluments of office that may accrue on account of any measures which may be taken regarding my office on the anticipated amalgamation of the Supreme and Sudr Courts.

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13. In conclusion I note that at the date of your letter now under reply, His Excellency the Governor was en route for the Godavery, the Senior Member of Council was at Bangalore, and there was no Commander-in-Chief in the Presidency.

No. 139.

ORDER THEREON, 16th July 1861, No. 916.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Erd. T. O'Connor.

*Recd. Secy. 16th June 1861 No. 117 to 119.
Sub. 27th June - 202 to 204*

*Judicial Dept
Crossed July 1861*

*From
The Registrar
& Prothonotary*

*Dated 16th July 1861
Recd 18th July 1861*

11/13/61

*With reference to the
letter from this office of the
27th ultimo, protesting against
the right of Govt. to interfere
with the emoluments of the
office of Registrar & Prothonotary
of the Supreme Court
to which he has been
lately appointed
10910-16 July 1861
Recorded
JP*

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