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*Proceedings of the Madras Government, Judicial Department,
3rd December 1862.*

No. 18. Read the following letter from the Honorable Sir COLLEY HARMAN SCOTLAND, Kt., Chief Justice of the High Court of Judicature at Madras; to the Honorable the Governor in Council, Fort Saint George, dated 27th November 1862.

In the discharge of the duty cast upon me by Clause 6 of the Charter of the High Court of Judicature at Madras, and referring to the letter of the Right Honorable the Secretary of State for India to your Excellency in Council, dated the 9th July 1862, I have the honor to lay before your Excellency in Council a Statement of such Ministerial Officers and Clerks as after due consideration I am led to think should form the Official Establishment of the High Court; provision being made by your Excellency in Council for placing all such Officers on fixed salaries, and for the payment over of fees into a general account to the credit of the Government; and these Officers I propose to appoint, subject to the approval of your Excellency in Council. I have in like manner the honor to submit a Statement of the several sums which, under existing circumstances, seem to me to be the reasonable salaries to be allowed to such Officers and Clerks respectively, as soon as appointed.

2. I have considered and dealt separately with the official Staff required for the administration of Justice in the exercise of the original jurisdiction of the High Court and in the exercise of its appellate jurisdiction. These main branches of the Court's jurisdiction represent the jurisdiction exercised respectively by the late Supreme and Sudder Courts, and between the duties and in many respects the qualifications of the Ministerial Officers on the original and appellate sides of the Court and the manner in which these duties are required to be performed, there is in every way a wide and very material difference; and after full inquiry and investigation it appears to me not practicable, at all events for the present, to appoint with any good effect the same Officer or Clerk to the discharge of duties on both the appellate and original sides of the Court. I say this without reference to the distance that there now is between the two Court-houses in which the Judges sit: but that of itself would no doubt present for a time a complete obstacle. Should one Court-house be hereafter provided, it will probably be found that a reduction may be made in the number of the Peons and menial servants now employed at the separate buildings.

3. The official Staff of the High Court in the exercise of its original jurisdiction is at present the same as that of the late Supreme Court, having been continued for a period of four months from the 15th of August last, and the Officers, with the exception of the Deputy Registrar, are paid either by fees from suitors or by salaries from the Government, or partly by fees and partly by Government salaries; and besides these there are Clerks in the principal offices employed and paid by the Registrar and other Officers themselves. The accompanying Tables A and B will give your Excellency in Council all necessary information in this respect. The first relates to Officers who are paid by fees or by Government salaries, or partly by fees and partly by Government salaries, and shows both the gross and nett average amount of fees received for the discharge of the duties of each office for the last five years. The second Table shows the number of Clerks and Peons employed by the principal Officers, and the amount in the way of disbursement paid to them and to the Deputy Registrar.

4. There are also employed in the Sheriff's and other offices on the original side of the Court, seventy-three Peons and menial servants who receive from the Government monthly salaries of from Rupees (10 8-0) ten and Annas eight, to Rupee (1-11-4) one, Annas eleven and Pice four, amounting altogether to Rupees four hundred and eighty five, Annas fourteen and Pice ten per month, and as regards these, I may at once observe that I do not see any material change that can usefully be proposed *at present*: they will therefore be continued without change.

5. With reference to the present Establishment of Ministerial Officers contained in Table A, certain alterations can, I think, be properly and with advantage made, and I proceed to state the alterations that appear to me consistent with the efficient administration of Justice, and the due execution of the powers and authorities possessed by the High Court in the exercise of its original jurisdiction.

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6. The practice and procedure in the office of Master in Equity is in very many respects objectionable and altogether unadapted to suits and proceedings under the Code of Civil Procedure, and this office I propose to abolish. But as there is and will be business connected with suits in the late Supreme Court still pending on the expiration of the four months for which the present Officers have been continued, it is necessary for the purpose of disposing of all such business that the present functions of this Officer should be continued for a time, and I propose to do so for a period of nine months, at the expiration of which time the office will altogether cease, unless, in the meantime, it is found necessary for the same purpose to extend the time with the approval of your Excellency in Council. This will not prevent the appointment, as hereinafter proposed, of the same Officer to the new office, which I think is required by the provisions of the Code of Civil Procedure, nor will it entail upon the Government the present payment of any additional salary which will not be met by fees paid over.

7. The offices of "Sealer" and "Clerk to the Puisne Justice," may, and I propose shall, also be done away with. The duties of Registrar in Vice Admiralty matters—at present a separate office held by the gentleman who is to fill the office of Assistant Registrar—are, I intend, to be transferred to the office of the Principal Registrar, who will then be Registrar on the original side of the Court in all matters and proceedings, except criminal.

8. The office of Malayalam and Mappalee Interpreter lately vacant has not been filled up, and I do not think that a salaried Interpreter in these languages need be attached to the Court. Very rarely indeed have the services of the Interpreter been required, and I think it will be sufficient to have a sworn Clerk at a small salary for the purpose of making translations, and that when occasion requires, the suitors may be left to obtain the attendance of such sworn Clerk or (if absent) some other competent Interpreter in those languages as a witness in Court, and that the expense the party may be put to in this respect should be dealt with as part of the costs of the suit or proceeding, in which the witnesses' services are given.

9. These are the offices that in making the whole arrangement now submitted for approval I have considered as no longer necessary to the efficient Ministerial Establishment of the High Court; but I would add that the observations just made apply with nearly the same force to the Interpreters in French, Portuguese, Dutch and Armenian. As, however, these offices are filled, and with the exception of the French Interpreter, have been for some time enjoyed by the present holders, I think they ought still to be continued subject to further consideration, and any alteration that may hereafter be decided upon should take place as vacancies occur in the several offices. In connection with this subject I should add that I have made one addition to the number of salaried Interpreters and Translators. The duty of making translations into the Telooogoo language from Guzeratee, Marvadee, Mahrattah and Hindoostanee when written in Nagaree characters, has since 1849 been satisfactorily performed by an appointed sworn Clerk of the late Supreme Court, and his remuneration has been by fees. This Officer I propose should pay over his fees and receive the salary I name, leaving it to the suitors to obtain his services as Interpreter when required, in the manner I have already expressed when observing upon the Malayalam and Mappalee Interpretership.

10. I have now to refer to the new appointments and the further changes and arrangements that, subject to the approval of your Excellency in Council, I have decided upon making, as required for the proper exercise of the jurisdiction and powers of the Court and for the discharge of the duties of the offices proposed to be done away with. In this latter respect I have already said sufficient as regards the office of Registrar in Vice Admiralty matters, and the Interpreter in Malayalam and Mappalee; and before proceeding I beg to refer your Excellency in Council to the accompanying Table C, which gives the complete list of the Officers that I intend, with the approval of your Excellency in Council, should form the new Ministerial Establishment on the original side of the High Court, and the amount that I have fixed as the reasonable salary of each Officer.

11. As to the office of "the Clerk of the Crown"—In this office the ministerial duties connected with the criminal jurisdiction of the High Court are performed. It may be said to be

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the Registrar's office in criminal matters. The change that I propose should be made in the office is a future and conditional one, and before mentioning it I shall refer to the proposed appointment of an Officer having duties connected with this office and whose services I think required for the proper and efficient administration of Criminal justice at the Sessions holden four times a year for the trial of persons charged with offences. One of the duties of the Clerk of the Crown connected with the Sessions is to prepare the proper indictments upon which, if found by the Grand Jury, the trials afterwards take place. His instructions are derived solely from the depositions forwarded by the committing Magistrate, and he is not responsible after the indictment is found for the conduct of the prosecution, nor is he required to see in any way to the production of the proper witnesses and evidence. At the commencement of every trial, except in a few particular cases in which the Judge directs that Counsel should be instructed, his fee being paid under the Judge's Certificate out of a fund derived from fines which is now being fast reduced; and in cases in which the Advocate General voluntarily appears to prosecute in aid of the Judge and the furtherance of justice) the depositions are handed to the Judge and he is left to call and examine the witnesses if in attendance, and to re-examine them when cross-examined by the prisoner; or to meet any suggested defence; and what is most of all objectionable, to cross-examine any witnesses examined on the part of the prisoner. This system, by which the Judge is required to conduct the prosecution and at the same time to fulfil in all respects his high and responsible judicial duties is quite inconsistent with the proper and satisfactory administration of Criminal justice, and certainly ought not any longer to exist in the High Court of Judicature of the Presidency. This subject I find was under the consideration of the Commissioners appointed by the Government of Fort Saint George in 1859, and the recommendations of three of the Commissioners thereon are to be found in paragraph 19 of their report. I would also refer to Section CCXXXI of the Code of Criminal Procedure providing for prosecutions in the Mofussil.

12. What I at present propose in this respect is that the present Clerk of the Crown should be appointed to the office of "Crown Prosecutor" if willing to undertake personally to discharge the additional duties of the office. But if his acceptance of the office should not be feasible, then I propose to appoint another qualified professional gentleman. In the latter event the Clerk of the Crown would be required to forward all depositions without delay to the "Crown Prosecutor," whose duty it would be upon receiving the depositions to consider them and to communicate to the Clerk of the Crown either in consultation or otherwise, any opinion or suggestion he might think called for, as to the frame of the Indictment to be prepared by the Clerk of the Crown, or the conduct of the case generally. It would also be his duty occasionally to afford advice in cases of importance or difficulty to the Magistrates at the Presidency town, and to Magistrates elsewhere if required, in cases that may be committed for trial to the High Court; and to decide upon the witnesses and evidence to be adduced, and when necessary to take proper means for securing the attendance of any witness or the production of any evidence, either through the Crown office or otherwise; and afterwards to appear at the trial and himself conduct the prosecution in Court, except in cases in which the Advocate General appears to prosecute on the part of the Government, and then if the Advocate General desires it, he should appear as his junior and assist in the conduct of the prosecution. He would also be required to argue any case reserved from the Sessions for the opinion of the High Court. Should the present Clerk of the Crown undertake the duties of Crown Prosecutor, the same observations will apply to his additional duties except as regards forwarding the depositions from the Crown office. The nomination to this appointment, when a distinct one, should, I intend, rest with the Advocate General. I have had under consideration the propriety of attaching to the office of Crown Prosecutor the further duty of appearing for the prosecutions in Criminal Petitions on the appellate side of the Court and of advising the Government in prosecutions in the Mofussil—duties now resting on the Government Pleader—and my opinion is in favor of this being done; but as I am not aware what arrangements the Government may have in view as regards the office of "Government Pleader," I cannot satisfactorily do more at present than state my opinion with a view to further consideration.

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13. Then as to the change I propose in the *Clerk of the Crown's office*. There is at present a Deputy Clerk of the Crown, and this as a distinct office paid by the Government, I think may be done away with if the Clerk of the Crown does not also hold the office of Crown Prosecutor; but not at present. I think, having due regard to present interests and with the other arrangements I have made, this change ought not to take place though the Crown Prosecutor be a distinct appointment, whilst the present incumbents held the offices of Clerk and Deputy Clerk of the Crown. Should the appointments to the two offices of Clerk of the Crown and Crown Prosecutor be hereafter distinct, and the office of Deputy cease, it will be advisable to transfer the duty of preparing and drafting all indictments to the Crown Prosecutor.

14. With respect to the Master in Equity, the duties which he has discharged besides those provided for by the continuance of his functions as Master for the period before stated, are those of Taxing Officer: in all matters before the Court subject to taxation; the taking of security when administration of intestates' Estates is granted, and on appeals to the Privy Council; and the examination half yearly of the Accounts of the Official Assignee in respect of Estates of Insolvents; and these duties, with the exception of the taxation of costs in respect of suits and proceedings commenced in the late Supreme Court, I intend should be at once transferred and attached to the new office of "Commissioner and Taxing Master" to which I propose to appoint the present Master in Equity. The Code of Civil Procedure makes provision for references by the Court to a Commissioner for the purposes of local inquiry and the taking and investigation of the Accounts of Managers and Receivers of property and others, and suits will constantly be brought in which the due administration of justice will require that these provisions should be acted upon. It will also be found necessary in the exercise of the jurisdiction of the Court in the case of infants, and idiots, to refer for inquiry and investigation matters which are now referred to the Master. In fact he will be the Officer to whom all matters proper for reference will be referred. For the efficient discharge of the duties that will thus arise there can be no doubt that an appointed Officer of the Court is in every respect preferable to inexperienced persons named Commissioners or referees in the different cases as occasion may require, and the duties of the office altogether will, I anticipate, be quite sufficient to engage the time and attention of one Officer, and will be exercised with advantage to the suitors under the rules to be made for regulating the business of the office.

15. Adverting next to the Registrar's office, I would first observe that I have had my mind fully directed to the consideration of connecting this office with the present office of the Registrar in appeal matters, and having one Registrar with Deputies, and I think that no arrangement of this kind can (as before observed generally) under existing circumstances be reasonably and properly made. Such an arrangement may after a time be practicable with some good effect, but not now; and for the present I propose that there should be the offices of Registrar and Assistant Registrar (not Deputy Registrar as now) on the original side, and Registrar and Deputy Registrar on the appellate side, with an alteration as regards the two former offices. The Deputy Registrar is at present employed and paid by the Registrar, and I think he ought to receive a reasonable salary independently of the Registrar. The duties of the office of Registrar are various, including besides the ordinary duties of Registrar those of official Trustee under Act XVII of 1845, and others imposed by special Legislative Enactments and are such as to require the services of a competent Assistant Registrar, and this is likely to be still more the case in future. It is most important that this responsible Officer, who may at any time be called upon to discharge the duties of Registrar, should be a person of character and education and practical efficiency, and to secure this effectually, he should be paid like the other Officers by a proper salary and quite independently of the Registrar. The present Deputy whom I propose to appoint Assistant Registrar is also "Registrar in Vice Admiralty matters" and Clerk to the Puisne Justice. These offices he will no longer hold, and in fixing the salary I propose for the Assistant Registrarship, I have necessarily taken into due consideration his being deprived of these offices, which he has held for some time; and I may add that both as regards this salary and that of the Registrar, it is left open for consideration whether future arrangements and the business of the Court may not be such as to admit of a reduction being made on the happening of the first vacancies, supposing no other alteration be made.

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16. As regards the office of "Sealer"—This Officer who is also Clerk to the Chief Justice is charged with the custody of the Seals of the Court and receives fees from the suitors for the use of it. I intend that the Seal shall be delivered into the charge of the Registrar and that the present duties of Sealer shall be performed in the Registrar's office, and that provision shall be made by which, in lieu of the fees now taken, a small charge not exceeding three Annas will be made for every document sealed.

17. I now come to the arrangement made as to the duties of the office of "Clerk to the Puisne Justice." The principal duties of this and the office of Clerk to the Chief Justice are to issue Summonses, and to be present at all applications made at Chambers or elsewhere than in Court before a single Judge, and to note the proceedings and draw up all necessary orders. The matters that may now come before a Judge sitting at Chambers and be at once disposed of under the new procedure, are much increased in number and importance; and the business will probably be considerable and certainly such as to require additional attention and care on the part of the Clerk in the performance of his duties. These duties I think will best be discharged by one Officer whose time and attention can be almost entirely given to them, and for these reasons I propose that instead of the two offices of Clerk to the Chief Justice and the Puisne Justice, there shall be one Officer to be called "Judges' Clerk," to which office I intend to appoint the gentleman who is at present "Chief Justice's Clerk" and "Sealer;" and who will continue to act in all respects as Chief Justice's Clerk, and will be responsible for the supervision and direction of all duties hitherto attached to the "Clerk to the Puisne Justice." I would add that I contemplate the probability of hereafter appointing an "Assistant Judges' Clerk;" but this is connected with an alteration being made in the offices of the "Tipstiffs," as to which present circumstances prevent my just now deciding satisfactorily. I therefore do no more now than refer to the appointment as one that will probably be proposed.

18. I have one change more to state before I observe on the subject of salaries, and it relates to the office of Sheriff. The present tenure of office is one year only, unless re-appointed, and I see no sufficient reason why this should be so. On the contrary I think it will tend to promote the more efficient exercise of the duties of the office, if a longer term of office is secured upon appointment to the head of the office, the Sheriff. But at the same time there appear to me very good reasons for not making the appointment a permanent one, or for any long period, and I propose to make the appointment for the term of three years instead of one year as now, and to re-appoint the present Sheriff for that term.

19. I am now brought to observe upon the salaries stated in Table C, and which after the fullest consideration appear to me to be the reasonable *yearly* salaries to be appointed to each office. In fixing the amount I have been influenced mainly by, first, the consideration that (subject to the observations before made as to some of the Interpreters and the Deputy Clerk of the Crown) the Staff of Officers I propose is absolutely required for the efficient discharge of the Ministerial duties connected with the original jurisdiction of the High Court; secondly, by the nature and extent and responsibility of the duties that each Officer will have to perform; thirdly, by a due regard to the interests of the present holders of the offices continued from the late Supreme Court; and fourthly by the average emoluments for the last five years. I should also observe here that I have proceeded upon the further consideration that in every respect the several Officers will themselves continue to meet to the same extent as hitherto (as I think should for the present at least be the case), all proper and necessary charges, expenses and disbursements of their respective offices; the annual amount of which on an average of the last five years is stated in Table B.

20. As regards first the offices of "Registrar" and "Assistant Registrar," there is at present no salary attached to the office of Registrar; but as shown by Table A, fees to a considerable amount are received in the office which will hereafter be paid over to the Government. The great bulk of the business and the proceedings of the Court is, and will be to an increased extent, carried on through this office, and the duties are such as to require professional knowledge and (now more than ever) the responsible and constant personal attention and direction of the Registrar. Considering the nature and the extent of these duties and the necessary

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office expenses and disbursements which he will have to meet, and all other existing circumstances, I think the present salary of the Registrar ought to be that which I have appointed, namely, Rupees 30,000. Then with respect to the "Assistant Registrar," I have already sufficiently observed on this office and its duties and requirements; and having proper regard to these, and considering further the other arrangements made, affecting the offices now held by the gentleman to be appointed "Assistant Registrar," I think the present reasonable salary to fix for this office is Rupees 7,080.

21. To the office of Clerk of the Crown, I think, considering the present emolument from fees, that the reasonable salary to appoint during the time that the office is held by the present incumbent, is Rupees 7,800, being an addition in lieu of fees of Rupees 1,560 to the salary at present attached to the office. Whether any alteration in this salary should hereafter be made in the event of the office of Deputy Clerk of the Crown being done away with in the manner before stated, is left for future consideration. As to the Deputy Clerk of the Crown, the present salary attached to the office I intend should be continued, for the reasons and subject to the observations I have already expressed as regards this office and the offices of Clerk of the Crown and Crown Prosecutor.

22. In fixing the salary that I consider reasonable for the office of "Crown Prosecutor" I have been guided by the average annual number of cases for trial at the Criminal Sessions during the last five years, and considering the professional duties that this Officer will have personally to give his time and attention to in respect of each case, I think Rupees 5,000 is a reasonable yearly salary to allow, if a separate appointment be made to the office of another person than the Clerk of the Crown. But if the Clerk of the Crown be appointed, then I think the proper additional yearly salary to allow him is Rupees 3,800.

23. With reference to the other new office of "Commissioner and Taxing Master," it is, as I have stated, to be filled by the present Master in Equity. The salary now received by this Officer is Rupees 6,300, and the fees received by him annually for taxing business only, on an average of the last five years, I have ascertained to be Rupees 5,118. The duty of taxation will, with the exception before pointed out, be transferred and attached to the new office, and all fees afterwards received for that and the other duties of the "Commissioner and Taxing Master," will be paid over to the Government. But it is intended that the present Master should for the period of time that his functions as Master in Equity are continued, retain the fees receivable in respect of the business connected with suits in the late Supreme Court. Under these circumstances, I think the reasonable yearly salary to allow to the office of "Commissioner and Taxing Master" in the first instance is Rupees 11,000, and that an addition of Rupees 6,000 should be made at the termination of the period for which the functions of Master in Equity are continued; subject however as to this latter sum to any alteration that experience of the business of the office of "Commissioner and Taxing Master" under the new practice and procedure, may, in the meantime, lead me to submit for approval.

24. I have now to observe upon the Sheriff's salary and that of his subordinate Officers and Clerks. The office of Sheriff is one of position and considerable responsibility both in Criminal and Civil matters, and it is of importance that the office should be filled by a person of station who will exercise at all times great discretion and care in the control and management of his several subordinate Officers who are both Europeans and Natives. At present the Sheriff receives a yearly salary of Rupees 6,600, and taking the fees of office into consideration, and the larger period for which the office will for the future be held, I think that Rupees 11,040 is the proper salary to fix for this Officer. For the office of Deputy Sheriff, I have considered that an addition of Rupees 450 to his present salary should be made, and this will give to the office the salary I propose of Rupees 3,330. As regards the Sheriff's Officers and Clerks, I have thought it right to make some little addition to the salaries they now receive, with the exception of the Record-keeper to whom I append the same salary as at present. From a representation made to me by the Sheriff and from subsequent inquiry into the matter, I am led to think their salaries inadequate to the increasing duties they have to perform, more particularly the Bailiffs who are necessarily required to be intelligent men of respectable and trustworthy characters. The yearly additions I have made, as Tables A and C will show, are—to the Deputy

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Record-keeper Rupees 96. To the Head Writer Rupees 60. To the Assistant Writer Rupees 40. To each of the European Bailiffs Rupees 261, and to each of the Native Bailiffs Rupees 50, making in the aggregate Rupees 1,440. The greater part of the additions to the Bailiffs is in respect of the annual fees received by them for execution of process within the local limits of the jurisdiction of the late Supreme Court.

25. As to the office of "Judges' Clerk"—The Officer intended to be appointed to this office is now "Chief Justice's Clerk" and "Sealer;" the former as a distinct office, and the latter altogether being done away with. He will have to perform the duties now done by himself and the Puisne Judge's Clerk, and the present joint salary of these offices is Rupees 5,040, besides fees. Considering the nature of these duties and what will be required of the "Judges' Clerk" under the new procedure, I think the reasonable salary to assign to the office is Rupees 6,600.

26. I now come to the salaries of the "Interpreters" and "Sworn Clerks" of the Court, offices in which it is of the last importance to have persons of education and ability, and also with special qualifications that are not commonly possessed. The chief Interpreter in Telooogo, Tamil, and Canarese, enjoys a salary of Rupees 3,570 independently of fees, and I consider Rupees 5,100 as the reasonable salary that this Officer should receive. To the office of Deputy Interpreter in Telooogo and Tamil, I think the proper salary to allow is Rupees 3,024, being an addition of Rupees 1,764 to the present salary in lieu of fees. To the Interpreter in Persian and Hindoostanee the salary that I think a reasonable one to assign is Rupees 3,180 being an addition of Rupees 1,500 to his present salary in respect of fees. With reference to the French, Portuguese, Dutch and Armenian Interpreters, I propose for the reasons before stated, that a yearly amount of remuneration proportioned to their salaries and fees shall be received until vacancies occur. With reference to the two offices of "Sworn Clerks" already observed upon, the salary that I think reasonable to assign to the office of "Sworn Clerk" in Guzerattee, Marvadee, Mahrattah and Hindoostanee, when written in Nagaree characters, having regard to the fees hitherto received, is Rupees 480, and I also think that Rupees 150 is the reasonable salary to appoint to the other office of "Sworn Clerk" in Malayalam and Mapalee. These salaries for the reasons before pointed out, are only in respect of the duty of making translations.

27. I have now made all the observations that have appeared to me required, with the accompanying Tables, in submitting for the approval of your Excellency in Council, the Staff of Officers that I propose to appoint on the original side of the High Court, and the reasonable salaries assigned to each office, some of the offices in Table C have not called for any special observation, and as to these I have only to remark that I consider them equally necessary, and that the salaries at present enjoyed by the several holders of such offices, are the reasonable salaries that I propose to continue. I have now only to add that in making the proposed arrangements for the establishment of Officers as a whole I have taken it for granted that payment by salaries instead of by fees as pointed out by the Charter of the High Court, will at once be adopted. Were this otherwise, I could hardly, under existing circumstances recommend the abolition of offices and the other alterations now proposed.

The Ministerial Officers on the Appellate Side.

28. The present Staff of Officers on the appellate side of the High Court like that on the original side has been continued from the late Sudder Court for the same period of four months. These Officers are all paid by salaries from the Government, and the charges on suitors are made by means of Stamps. In submitting for approval the Establishment of Ministerial Officers, which I consider proper for the due administration of Justice by the Court in the exercise of its appellate jurisdiction, I have to observe on a few alterations and additions which upon consideration I propose to make on the present Staff of Officers, and in some of the salaries now received. But before proceeding, I beg to refer your Excellency in Council to the accompanying Table D, showing all the proposed alterations and additions, and the complete Establishment of Ministerial Officers.

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29. Referring first to the Registrar's office, I think an alteration in the salary enjoyed by the present *Uncovenanted* Deputy Registrar ought to be made. On the appellate side of the Court the whole of the business of whatever kind is conducted through the Registrar's office, and the Registrar is responsible for the supervision and direction of every Officer and servant in the Establishment. The duties thus occasioned are onerous and such as to require great accuracy and despatch, and constant personal attention. I find however that since 1856, when a third office, the Assistant Registrarship was abolished, the responsible duties of the Registrar's office (heavier than before) have been entrusted to a Registrar and Deputy Registrar. A considerable portion of such duties, the Deputy Registrar is required to perform, and he may at any time be called upon in the absence of the Registrar, to undertake the whole management and direction of the office. Considering these circumstances and the great importance of securing the services of an experienced person of character and education, I think the monthly salary at present attached to the office of Deputy Registrar, namely, Rupees 1,300, is not more than an adequate one. Until 1860 this Officer was a Covenanted Civil Servant and the present Deputy Registrar being an Officer of character and experience, was then appointed to act in the office, the duties of which he has since efficiently discharged. His present salary of Rupees 560, a month I consider inadequate, and I propose therefore to appoint as the reasonable yearly salary of the present Deputy Registrar Rupees 8,400. I have to add that the retention of the services of the Deputy Registrar on the present footing is a temporary measure rendered expedient by the particular qualifications of the Officer now holding the appointment, and that the salary attached to the office as it was constituted prior to the year 1860, is retained unaltered as shown in Table D. It will probably be necessary at a future time to re-establish the office on its former footing.

30. Next as regards the Native Law Officers attached to the Court, I think not only that an alteration may be made but that it is called for. These Officers are at present "the Kaze-ul-Kuz-zart," and two "Pundits." At a former time it was, I believe, the frequent practice of the late Sudder Court to call for the opinions of these Officers on Mahomedan and Hindoo Law, but several causes have led to their opinions being seldom asked in later times, and I find that now and for some time past their offices have become a sinecure. Their chief occupation is in answering references from the Lower Courts, and from the Adjutant General's Office respecting the validity of marriages contracted by Sepoys, in cases of claims to Pensions, and in neither of these respects is there any necessity why these Officers should be continued as Ministerial Officers of the High Court; indeed, in the latter respect only, they ought not to be the Officers of the Court. What after consideration of present circumstances, I propose is to do away with the office of one "Pundit" at once, leaving the other two offices full, until a little more experience in appellate matters shall have further confirmed the opinion I at present entertain: but I see no reason why the salary of the Kazi should be more than that of the Pundits, and I have therefore assigned to the office of "Kazi" the same amount of salary as that continued to the "Pundit."

31. I have now to observe upon the appointment I propose to make of an Officer to be called the "Indexer" of the Court. There is at present amongst the records of the Court a large collection of opinions of the late Sudder Court, and for a reference to these the Court is at present almost entirely dependent upon the recollection of the Registrar and the Deputy Registrar, assisted by some private notes of the latter Officer; this I need hardly say requires a remedy. It is of importance that the Judges and indeed all concerned in the conduct of the business of the Court, should at all times be able with facility to obtain a reference to former opinions, and I learn that in this respect great inconvenience has hitherto been constantly experienced by the Judges. It will be the duty of the Officer I intend to appoint, to prepare under the direction of the Registrar, an accurate Index, of all previous opinions, and so framed as to secure the means of ascertaining whether there has been an opinion expressed on any point and of obtaining ready access to such opinion. I purpose then so soon as the services of a properly qua-

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lified person have been obtained to appoint him, with the approval of your Excellency in Council, to the office of "Indexer" with a yearly salary of Rupees 1,800. I would here allude to another arrangement much to be desired as regards the existing mass of former published decisions of the late Sudder Court, and which I hope to see put in practice in connection with the change that will shortly be made in the mode of reporting and publishing the decisions of the High Court, as recommended in the letter of the Secretary of State for India of the 30th June 1862. I mean a judicious and carefully abridged selection of the more important, well considered, and approved, of the decided cases. Such a selection would enable every Judicial Officer throughout the Presidency to obtain information and guidance in the procedure and decision of suits, an advantage I am afraid they are quite unable at present to derive from the indiscriminate accumulation of decided cases of every description. But I reserve further observation on this subject until it has been considered in connection with the best mode to be adopted of reporting and publishing the decisions of the High Court.

32. Another addition I am led to consider as required for the proper hearing and decision of the cases before the Court, is the appointment of three "Interpreters," whose duty it will be to attend at all times in Court, and be prepared as each case is being heard to refer immediately to any document or paper connected with the case, and to interpret orally such parts as the Court may require. Every matter that ought properly to be heard in open Court, must now be strictly so heard, and from six to ten appeal cases, together with Petitions are heard and decided at each sitting of the Court, and the Court now sits and will continue to do so four days in every week. The existing practice is for one or other of the present "Translators" to attend in Court for the purpose of producing and interpreting any document required, and he is expected to have some previous knowledge of the cases for hearing, and to translate beforehand some of the most important documents. In this way the important duty of interpreting in Court is very imperfectly performed, and the Judges have frequently had to complain of the want of proper assistance in this respect; and it could hardly be otherwise as the other regular duties of the Translators are sufficient to occupy their whole time and attention: indeed, at times more than sufficient, as I find that on two occasions within the last five years it has been necessary to employ extra Translators (ten on one occasion) in order to bring up the arrears. It seems to me therefore that the appointment of three "Interpreters" in the four languages of this Presidency, is absolutely required, and in order to secure the services of properly qualified persons, I think a less yearly salary than Rupees 1,800 cannot reasonably be assigned to each office. In connection with these appointments I may refer to the increase proposed in the salary of three of the "Translators" who at present receive annual salaries of Rupees 840, 960 and 1,200. These salaries I am led to think should be severally increased to Rupees 960, 1,200 and 1,320, in order to secure the inducement held out by promotion. The high salaries now paid to educated natives renders it very difficult to obtain the services of competent Translators. Of the three new Interpreters, one will be required exclusively for Malayalam cases, a second for Canarese cases, and the third will be employed in Tamil and Telooogo cases. It will be seen by a reference to the Table D that a slight increase is proposed in the salaries of three of the inferior Officers of the Court, and the addition of two Peons. And with reference to these alterations and additions, I do not think it necessary to say more than that I am led to believe from what is stated by the Registrar that they are reasonably required.

33. These are all the observations that I have to make as regards the Staff of Officers on the appellate side of the High Court. I do not in any way refer to the office of "Government Pleader," as I do not consider it one of the Ministerial offices to which I am called upon to appoint. With this exception, the Table D shows the complete Establishment of Officers, Peons and Servants that I propose, and the salaries that I consider reasonable to assign to each office; and I submit the same together with the proposed Establishment on the original side of the Court, for the approval of your Excellency in Council.

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The Ministerial Officers of the High Court on its original side continued from the late Supreme Court (not including the Deputy Registrar and Clerks employed and paid by such Officers) and the gross and net amount of their remuneration in Salaries or Fees or both on an average of the last five years.

Office.	Name of Officer temporarily authorized.	Annual salary received from Government.		Gross average annual amount of fees for the last 5 years.		Gross average annual emoluments for the last 5 years.		Average annual office expenses for the last 5 years including salaries to Clerks (a).		Net average annual emolument for the last 5 years.	
		RS.	A. P.	RS.	A. P.	RS.	A. P.	RS.	A. P.	RS.	A. P.
Registrar...	A. Macdonald Ritchie, Esq. ...	...	...	33,757	14 5 6	33,757	14 5 6	5,567	12 2 1/2	28,190	2 2 3/4
Master ...	C. Dale, Esq. ...	6,300	0 0	20,245	2 5 5	26,545	2 5 5	2,003	3 1	24,541	15 4 4
Sheriff ...	John Impett, Esq. ...	6,600	0 0 6	7,237	9 7 6	13,837	9 7 6	2,349	13 6	11,488	8 4 4
Deputy Sheriff ...	E. W. Shaw, Esq. ...	2,880	0 0	450	4 9	3,330	4 9	...	...	3,330	4 9
Clerk of the Crown...	J. B. Norton, Esq. ...	6,300	0 0	1,563	14 2 2	7,863	14 2 2	30	13 2	7,833	1 0 0
Deputy do. ...	B. Brooks, Esq. ...	2,100	0 0	168	6 6	2,268	6 6	...	...	2,268	6 6
Sealer...	G. A. Murray, Esq. ...	...	...	3,009	9 1 6	3,009	9 1 6	...	...	2,898	2 8 8
Clerk to the Chief Justice...	G. A. Murray, Esq. ...	2,520	0 0	1,506	10 6	4,026	10 6	111	6 5	3,929	8 10
Do. to the Puisne Justice...	B. Brooks, Esq. ...	2,520	0 0	1,793	4 8	4,313	4 8	106	1 5	4,207	3 3
Chief Interpreter Tamil and Telugu...	Kistnasawmy Iyer...	2,940	0 0 6	3,075	3 5 6	6,015	3 5 6	298	14 5	5,806	5 0 0
Second do. ...	Parthasarathy Pillay...	1,260	0 0 6	2,321	15 0 6	3,581	15 0 6	265	0 0 6	3,316	15 0 0
Persian and Hindustani do. ...	Syed Shah Ally...	1,680	0 0 6	4,037	3 3 6	5,717	3 3 6	336	0 0 6	5,381	3 3 3
Armenian do. ...	S. J. Johannes, Esq. ...	1,260	0 0	42	0 0	1,302	0 0	111	2	1,300	4 10
Malayalam do. ...	Vacant...	1,260	0 0	610	5 5	1,266	10 5	0	0 0	1,266	10 5
Canarese do. ...	Kristnasawmy Iyer...	630	0 0	15	12 0	645	12 0	0	0 0	645	12 0
Portuguese do. ...	Mr. T. Brass...	336	0 0	30	12 7	366	12 7	0	0 0	366	12 7
French do. ...	E. Barclay, Esq. ...	210	0 0	30	7 2	240	7 2	48	0 0	192	7 2
Dutch do. ...	Mr. B. C. Regel...	210	0 0	143	3 2	353	3 2	39	8 5	313	10 9
Court Keeper ...	Mr. James Gannon ...	653	5 0	...	...	...	...	...	...	...	...
Tipstaff ...	Mr. G. V. D'Roza...	653	5 0	...	...	...	...	...	...	...	...
Do. ...	Mr. L. Burden...	653	5 0	...	...	...	...	...	...	...	...
Do. ...	Mr. James Owen...	34	8 6 (e)	...	...	...	...	...	...	...	...
Goal of the Penitentiary...	S. Venatasawmy Naidoo...	1,260	0 0	...	...	...	...	...	...	...	...
	T. Veerasawmy Pillay...	420	0 0	...	...	...	...	...	...	...	...

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Paid Officers of the Sheriff...	C. Kasaviah (c) ...	294	0 0
	V. Soondarasunum Naidoo...	210	0 0
	James Brock...	399	0 0
	Thomas Berryman ...	399	0 0
	James Daniels...	399	0 0
	Thomas Butler...	399	0 0
	Four Native Bailiffs at Rupees 5 each...	240	0 0
Keeper of H. M.'s Debtors' Goal...	J. D. Hains...	1,200	0 0

- (a) See Table B.
 (b) These amounts include the allowances made to these Officers by the Judges of the Supreme Court sitting under Act IX of 1850 in the years 1857-58, and part of 1859.
 (c) This person receives an additional annual salary of Rupees 114 for Mofussil business from the Sheriff.
 (d) This includes Fees paid over to Deputy Sheriff and Bailiffs and included as fees received by the Sheriff under the column gross amount of Fees and also allowances made to extra Writers for Mofussil process.
 (e) This Officer is not considered a Ministerial Officer to be appointed by the Chief Justice and therefore does not appear in Table C.

(Signed) C. H. SCOTLAND.

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B.

The average number of Clerks, Peons, and Servants employed and paid by the Officers named in A for the last five years, and the average annual amount of their salaries.

Office.	Average number of Clerks or Writers employed.	Average number of Peons and Servants employed.	Total average annual amount of salaries paid.	
Registrars*	Ten...	Three..	5,306 1 11	
Masters... ..	Three..	Six.....	1,870 13 9	
Sheriffs... ..	Two...	One....	384 0 0	
Sealers... ..	One.	Four...	516 0 0	This is made up of a sum of Rupees 114, which is paid to Casaviah, head writer, in addition to the salary of Rupees 294, paid to him by Government, and of the salaries paid to one extra Writer and Peon for Mofussil process.
Clerk to Chief Justice... Do. to Puisne Justice...				
Chief Interpreter Tamil and Teloogoo... ..	Two.	One....	343 1 6	One of these writers named Shunmoo-gum is also employed as a writer with the Persian Interpreter on a salary of Rupees 5 the month.
Second do. do.				
Persian and Hindoostanee Interpreter... ..	Two...	None...	144 0 0	One of these writers named Shunmoo-gum is also employed as a writer with the Chief and Second Tamil and Teloogoo Interpreters on a salary of Rupees 14 the month.

* The Registrar also employs the Deputy Registrar and pays him the annual salary of Rupees 3,600.

(Signed) C. H. SCOTLAND.

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C.

Ministerial Officers to be appointed on fixed salaries to the High Court in the exercise of original jurisdiction, with the salaries assigned to each Officer, for the approval of His Excellency the Governor in Council.*

Officers placed on fixed salaries.		Gross amount of yearly salary assigned to each Officer.
Office.	Name of Officer.	
Registrar... ..	Mr. Arthur Macdonald Ritchie...	Rs. 30,000
Assistant Registrar... ..	Mr. Benjamin Brooks.	" 7,080
Clerk of the Crown... ..	Mr. John Bruce Norton.	" 7,860
Deputy Clerk of the Crown... ..	Mr. Benjamin Brooks....	" 2,100
Crown Prosecutor... ..		{ 5,000 } See para 11 & 12 of letter
		{ 3,800 }
Commissioner and Taxing Master.	Mr. Clement Daie... ..	" 11,000 (a)
Judge's Clerk... ..	Mr. George Arthur Murray... ..	" 6,600
Sheriff... ..	Colonel John Impett... ..	" 11,040
Under Sheriff... ..	Mr. Edwin Willoughby Shaw... ..	" 3,330
Officers attached to the Sheriff's Office.	Keeper of H. M.'s Gaol... ..	Mr. James Durston Haines... ..
	Record-keeper... ..	S. Venkatasawmy Naidoo... ..
	Deputy Record-keeper... ..	T. Veerasawmy Pillay... ..
	Head Writer... ..	C. Kasaviah... ..
	Assistant Head Writer... ..	V. Soodursanum Naidoo... ..
	European Bailiffs... ..	Mr. James Brock... ..
		Mr. Thomas Berryman... ..
		Mr. James Daniels... ..
		Mr. Thomas Butler... ..
	Native Bailiffs... ..	Rungiah... ..
		Kistnasawmy... ..
		Vencatachelum... ..
		Moonesawmy... ..
	Chief Interpreter in Teloogoo, Tamil and Canarese... ..	C. Kistnasawmy Iyer... ..
	Deputy Interpreter in Teloogoo and Tamil... ..	P. Parthasarthy Pillay... ..
	Interpreter in Persian and Hindoostanee... ..	Syed Shah Ally... ..
	Interpreter in French... ..	Mr. E. Barclay... ..
	Interpreter in Portuguese... ..	Mr. T. Brass... ..
	Interpreter in Dutch... ..	Mr. B. C. Regel... ..
	Interpreter in Armenian... ..	Mr. S. J. Johannes... ..
Sworn Clerk in Goozoorattee, Marvadee, Mahrattah and Hindoostanee in Nagaree characters... ..	Naganatha Davay... ..	" 480
Sworn Clerk in Malayalam and Mapalee... ..		" 150
Court Keeper and Crier... ..	Mr. James Genman... ..	" 863-5
1st Tipstaff and Crier... ..	Mr. G. V. D'Roza... ..	" 653-5
2nd Tipstaff and Crier... ..	Mr. S. Burden... ..	" 653-5

* The names, employment, and salaries of the Peons and Menial Servants, to be continued as at present, it is not necessary to state in this table. Their number and the amount of their salaries is given in para. 4 of the accompanying letter.

(a.) This sum to be increased by an addition of Rupees 6,000 at the termination of the period for which the functions of Master in Equity are continued. See para. 23 of letter.

N. B.—The Keeper of the Penitentiary is not included in this Table. This Officer is not a Ministerial Officer to be appointed by the Chief Justice.

(Signed) C. H. SCOTLAND.

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D.

The Ministerial Officers to be appointed to the High Court in the exercise of its Appellate Jurisdiction, with the yearly salaries assigned to each Officer; for the approval of His Excellency the Governor in Council.

Office.	Name of Officer.	Present salary.	Proposed salary.	Increase.	Decrease.	Remarks.
Registrar...	C. F. Chamier, Esq....	26,250	0 26,250	0		
Deputy do...	Mr. Thomas Wilkins...	15,600	0 15,600	0		The salary proposed for the present incumbent is Rupees 8,400, vide para. 29 of letter.
Cazee-ool-Coozai	Mahomed Uttaoolla Saib	4,800	0 3,360	0	1,440	Vide para. 30 of letter.
Pundit...	G. Appannah Sastry...	3,360	0 3,360	0		
Do.	C. Gopalah Sastry.....	3,360	0		3,360	
Manager...	Mr. B. Wilkins...	2,640	0 2,640	0		
Indexer..			1,800	0	1,800	Vide para. 31 of letter.
Serishtadar...	P. Soobrayalu Naidoo	1,680	0 1,680	0		
English Record-keeper.	Mr. G. Barwell...	1,440	0 1,440	0		
Native do.	C. Ramakristniah ..	600	0 600	0		
Examiner...	Mr. E. H. Aubert...	1,200	0 1,200	0		
Do.	Mr. K. Pandlaven...	1,200	0 1,200	0		
1st class Clerk.	G. Thumboo Chetty...	960	0 960	0		
2nd do.	T. C. Banpaniah Naidoo	600	0 600	0		
2nd do.	Mr. B. J. Lushay.....	600	0 600	0		
2nd do.	Mr. W. P. Higgins...	600	0 600	0		
3rd do.	Mr. T. Soaris...	420	0 420	0		
3rd do.	Mr. A. Pereira...	420	0 420	0		
3rd do.	C. Vencatnarainah....	420	0 420	0		
3rd do.	C. Verapah Moodely...	420	0 420	0		
3rd do.	C. Viziaragava Moodely	420	0 420	0		
4th do.	S. Vencataroya Puntooloo...	378	0 378	0		
4th do.	R. Veerasamy Naik ..	378	0 378	0		
4th do.	M. Soobraya Moodely..	378	0 378	0		
4th do.	J. Saverinatha Naik ..	378	0 378	0		
1st class Copyist.	V. Venkatakrishna Pilli	336	0 336	0		
1st do.	G. Rungiah Chetty ...	336	0 336	0		
1st do.	P. Pumbala Moodely	336	0 336	0		
2nd do.	T. Cothandam Pilli ...	294	0 294	0		
2nd do.	C. Coorasalu Naidoo...	294	0 294	0		
2nd do.	H. Ponnosamy Pilli...	294	0 294	0		
2nd do.	Mr. J. B. Pereira...	294	0 294	0		
3rd do.	Itterachunenen...	252	0 252	0		
3rd do.	A. Ragavulu Naidoo...	252	0 252	0		
3rd do.	S. P. Soobraya Moodely	252	0 252	0		
3rd do.	M. Thumbapah Naik.	252	0 252	0		
3rd do.	M. Vencatarungum Naidoo...	252	0 252	0		
3rd do.	C. Soobrayalu Naidoo.	252	0 252	0		
4th do.	Mr. T. Grubert...	210	0 210	0		
4th do.	P. Kristnasawmy Moodely....	210	0 210	0		
4th do.	P. Mahomed Cassim...	210	0 210	0		
4th do.	C. Govindacharu.....	210	0 210	0		
4th do.	Mr. E. Dique...	210	0 210	0		
4th do.	P. Appavoo Pilli...	210	0 210	0		

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The Ministerial Officers to be appointed to the High Court in the exercise of its Appellate Jurisdiction.—(Continued.)

Office.	Name of Officer.	Present salary.	Proposed salary.	Increase.	Decrease.	Remarks.
Interpreter...		1,800	0 1,800	0		
Do.		1,800	0 1,800	0		
Do.		1,800	0 1,800	0		Vide para. 32 of letter.
Head Translator.	T. Narasinga Row....	2,520	0 2,520	0		
1st class do.	P. Ramanjooloo Naidoo	1,680	0 1,680	0		
1st do.	Mr. S. B. Fernandez...	1,680	0 1,680	0		
1st do.	C. Soobraya Moodely...	1,440	0 1,440	0		
1st do.	S. Parthasarathy Chetty	1,440	0 1,440	0		
2nd do.	P. Narasimloo Naidoo.	1,320	0 1,320	0		
2nd do.	C. Stree Bahiah...	1,200	0 1,320	120	0	Vide para. 32 of letter.
2nd do.	Mr. G. Sawyer...	1,200	0 1,200	0		
3rd do.	Soobachund Lala...	960	0 1,200	240	0	Vide para. 32 of letter.
3rd do.	M. O. Singala Charry.	960	0 960	0		
3rd do.	M. Soobraya Moodely.	840	0 960	120	0	Vide para. 32 of letter.
3rd do.	C. Vadachella Moodely	840	0 840	0		
3rd do.	S. Ramanooja Charry...	840	0 840	0		
3rd do.	S. Parthasarady Iyengar...	840	0 840	0		
1st Class Goo-mastah.	P. Allagapah Moodely.	336	0 336	0		
1st do.	A. Parthasarathy Naidoo	336	0 336	0		
2nd do.	C. Lutchmeenaraniah...	240	0 240	0		
2nd do.	C. Veerasamy Pilli.....	240	0 240	0		
3rd do.	V. Custoori Iyengar...	180	0 180	0		
3rd do.	M. Teroovengada Charry	180	0 180	0		
4th do.	C. Runganatha Moodely	144	0 144	0		
4th do.	M. Kristnama Charry.	144	0 144	0		
Shroff...	S. Ramasamy Chetty...	210	0 210	0		
Book Binder	H. Casava Moodely....	168	0 168	0		
Moochee....	C. Appavoo...	120	0 144	24	0	
Do.	Rungasamy...	84	0 120	36	0	Vide para. 32 of letter.
Do.	Moonisamy...	84	0 96	12	0	
Jamadar		210	0 210	0		
Duffadar.....		126	0 126	0		
* 24 Peons @ 84		2,016	0 2,016	0		
8 do. @ 72		576	0 576	0		
2 additional do. @ 72.			144	0 144	0	Vide para. 32 of letter.
2 Gardeners, 1 @ 60 and 1 @ 48.		108	0 108	0		
3 Menials @ 42		126	0 126	0		
Total...		96,846	0 99,942	0 7,896	0 4,800	
Net Increase...				3,096	0	
Temporary saving arising from the difference between the salary attached to the Office of Deputy Registrar and that enjoyed by the present incumbent...					7,200	0
Temporary decrease...					4,104	0

* It is not thought necessary to give the names of the Peons and Menial Servants. The persons at present employed will be continued, and the Registrar will be directed to employ two other Peons upon the approval of the addition proposed.

(Signed) C. H. SCOTLAND.

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3rd December 1862.*

No. 19.

ORDER THEREON, 3rd December 1862, No. 1,955.

Ordered to lie over.

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

Indl. Lr to Engle 27th
February 2nd of 1863

Indl. 1862 Sept

Prossy's Law
No 1955
From 18.12.62

The Honble the Chief
Justice of the High Court
of India at Calcutta

27th Nov - 3
1st Dec - 3 1862

Enc. 4

No 2435

Submits a statement
of such ministerial offi-
cers & clerks as he is led
to think should form the
Official Establishment
of the High Court.

Order thereon 3 Dec 1862 No 1955

Ordered to be over

18019